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SWITZERLAND ...

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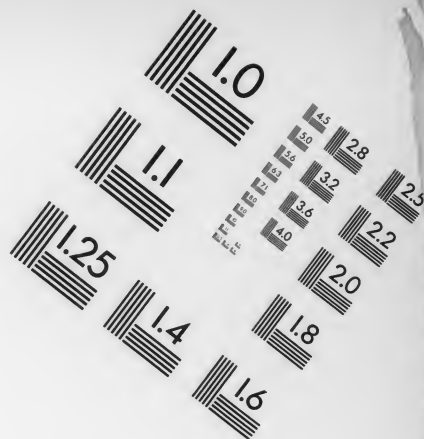
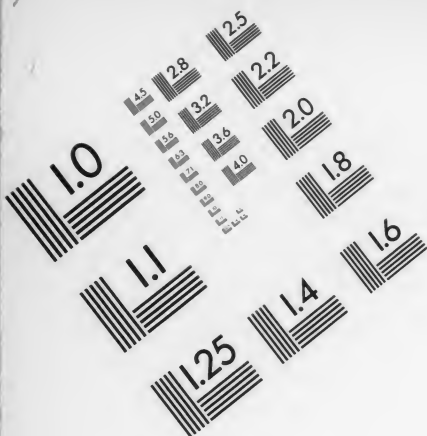
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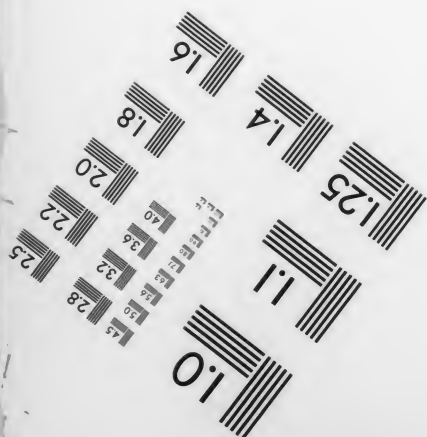
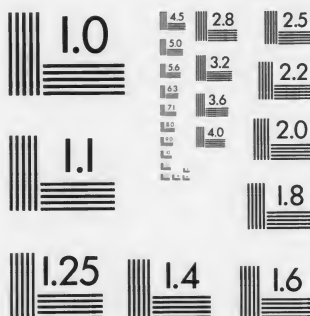
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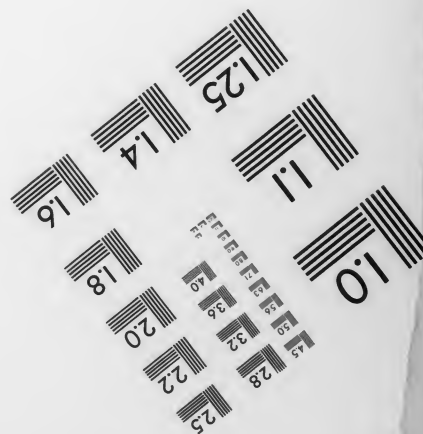
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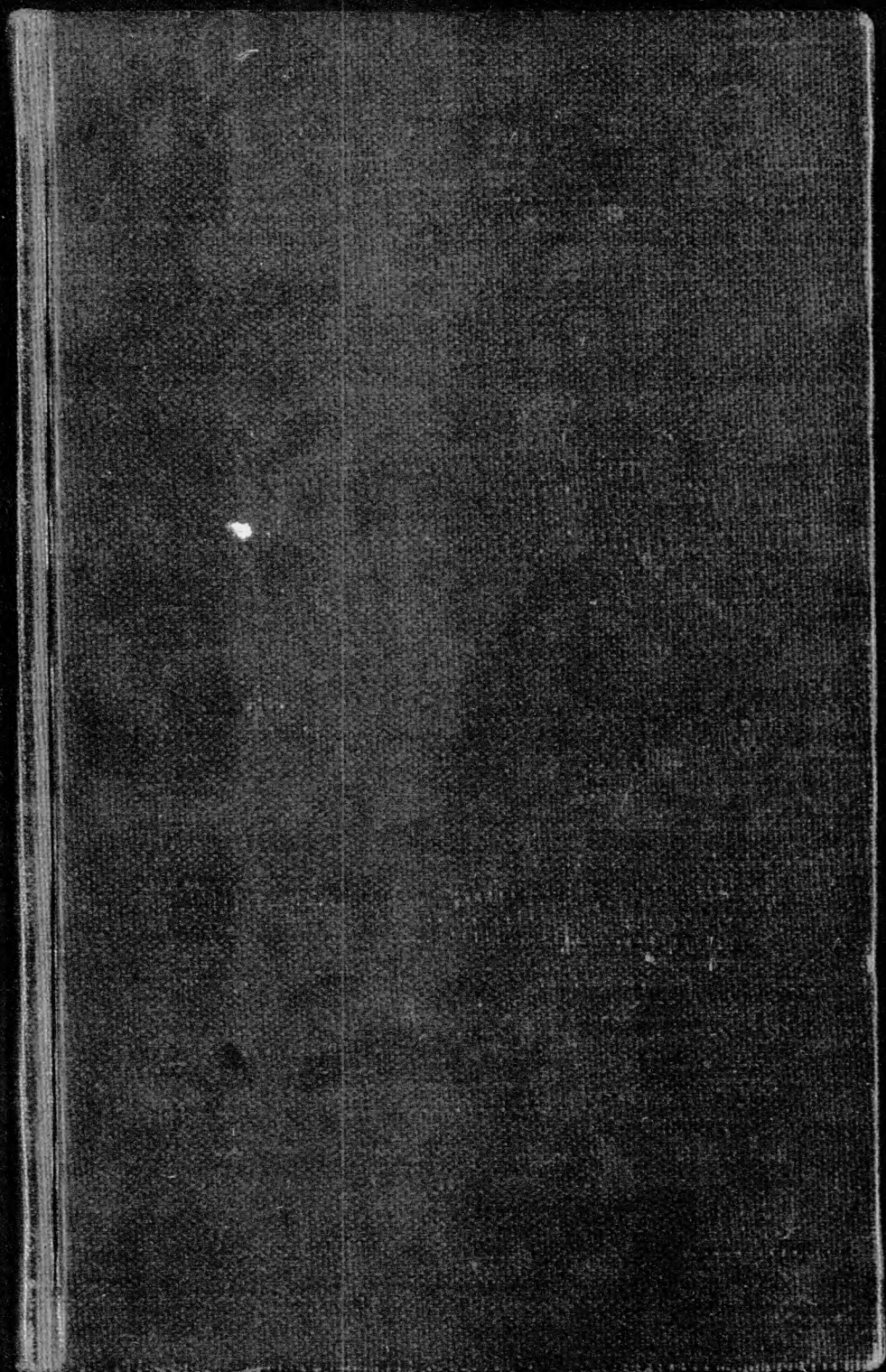


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# HISTORY OF SWITZERLAND,

FROM THE FIRST

IRRUPTION OF THE NORTHERN TRIBES

TO THE PRESENT TIME.

INCLUDING

THE WARS OF INDEPENDENCE, THE CONFEDERATIONS OF THE CANTONS,

THE REFORMATION BY ZUINGLIUS,

STRUGGLES DURING THE FRENCH REVOLUTION, ETC.

Compiled from the best Authorities,

INCLUDING

MÜLLER, MEYER, FRANSCINI, AND KASTHOFFER,

BY

A. VIEUSSEUX,

Author of various works published by the Society for the Promotion of Useful Knowledge.

WITH A LARGE COLOURED MAP.

LONDON:

HENRY G. BOHN, YORK STREET, COVENT GARDEN.

MDCCCXLVI.

(1846)

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## THE AUTHOR'S PREFACE.

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SWITZERLAND has long been a favourite country for travellers, who go thither to admire the natural beauties of the land and its impressive scenery: but Switzerland has other claims to attention besides its mountains and its lakes, its waterfalls and glaciers. The reflecting observer finds another and perhaps a greater charm in its political independence, and the personal freedom and security enjoyed within its boundaries. Many a traveller, retracing his steps from the glowing regions of the south, having feasted his eyes on the splendour of classic lands, and enjoyed the luxuries and gaieties of Italy, has experienced, whilst descending the Swiss side of the Alps, and beholding the dark pine forests that protect the peaceful valley below, an involuntary emotion of content and satisfaction, recalling to his mind Goldsmith's well known lines—

“ My soul turn from them, turn we to survey ”

\* \* \* \* \*

Of late years Switzerland has acquired an additional claim to notice. The changes which have taken place since 1830 in the political institutions of most cantons afford ample matter for observation and serious reflection. Switzerland may be considered now as an epitome of civilized Europe: all the parties, the theories, the expectations, the pretensions, which agitate larger states, are seen here, as it were, in miniature. Most of the Swiss cantons are now, for the first time, engaged in trying the experiment of combining perfect political equality with order and good government. To those who either promote or oppose

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such an experiment in other countries, it may be useful to watch the working of the new Swiss constitutions in the various cantons; for it must be borne in mind that each canton is an independent state, and that there is no general Swiss Government, properly speaking. The sittings of the Legislative Councils are now held with open doors, as well as those of the Federal Diet, and reports of the debates are published by the press.

The present is a political History of Switzerland, in which, however, the social and intellectual condition of the people at various epochs has been taken into account, as far as the limits of the work would allow. In a country like Switzerland, consisting in a great measure of free municipal towns and districts, even before the assertion of independence by the three Forest Cantons in 1308, a history of its political events is necessarily also a history of the people.

The principal authorities for the History of Switzerland are quoted in the body of the work: those who may wish to inquire deeper into particulars will find an ample list of historical, geographical, and statistical works under the head of each respective canton, in Ebel's "*Manuel du Voyageur en Suisse*," vol. i. sec. 18. Among contemporary writers, Meyer of Knonau, Franscini of the canton Ticino, and Kasthofer of Bern, deserve to be particularly mentioned.

I sincerely wish that this work may prove interesting and instructive to the English reader, and may induce him to study Switzerland as a country remarkable among the states of modern Europe for its moral as well as for its physical peculiarities.

A. VIEUSSEUX.

*Kentish Town, January, 1840.*

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## GEOGRAPHICAL

AND

## STATISTICAL SKETCH OF SWITZERLAND.

SWITZERLAND lies between  $45^{\circ} 50'$  and  $47^{\circ} 40'$  north lat., and  $6^{\circ}$  and  $10^{\circ} 30'$  east long. Its greatest length from east to west is about 210 miles, and its greatest width about 130 miles; its area is estimated at about 2,000 French square leagues.\* Switzerland forms part of the high land of central Europe: it rises above the plains of Lombardy on the south, and the plains of Dijon or Burgundy on the west; on the east it is connected by the Alps with the high land of Tyrol and Bavaria, and on the north it adjoins the plateau or elevated plain of Suabia, from which it is separated only by the bed of the Rhine. It is bounded by mountains on the west, south, and east, but is open to the north on the side of Germany. The lower parts of Switzerland are generally more than 1,200 feet above the level of the sea, and nearly 1,000 feet higher than the plains of Lombardy; but the greater part of the surface is much higher.

The surface of Switzerland presents three distinct regions: 1. the Alps; 2. the Jura; 3. the plateau or table land which lies between these two mountain systems.

The Alps enter Switzerland from Savoy on the south-west, from whence their main ridge, known by the name of the Pennine Alps, stretches in an easterly direction, forming the boundary between Switzerland and Italy, and dividing the basin of the Upper Rhone on the north from that of the Po on the south. Some of the highest summits of the Alps are in this part of the chain: Mont Velan, which is the highest peak of the group of the St. Bernard, is 11,000 feet high; the Matterhorn is 14,800, and Mont Rosa 15,150 feet above the sea. On reaching the sources of the Rhone, the Alps form a massive and lofty group, which is generally designated by the name of the St. Gotthard, and which may be considered as the centre of the Alpine system of Switzerland. This mass occupies a length of more than twenty miles of direct distance

\* The length of the French or Swiss league is in the proportion of twenty-five to one degree of latitude.

from east to west, from the sources of the Rhine to those of the Rhone, and about the same distance from north to south, from Am Stäg, in the canton of Uri, to Airolo, in the Val Levantina. The principal summits of this mountain mass, the Gallenstock, Fieudo, Badus, Crispalt, &c., are from 9,000 to 12,000 feet in height, and seventeen valleys, eight glaciers, and several small lakes are contained in the recesses of this Alpine region. Four offsets detach themselves from the mass of the St. Gotthard; one to the west, which constitutes the Bernese Alps, and divides the basin of the Rhone from that of the Rhine; one to the north-east, which forms the Alps of Glarus and the northern Grisons; another to the south-east, which forms the southern boundary of the Grisons or Rhetian Alps, on the side of Italy; and lastly, the south-west branch, which connects the St. Gotthard with the Pennine Alps already mentioned. Between these offsets there are four large valleys: the valley of the Rhone, running westward towards the lake of Geneva; the valley of the Reuss, sloping northward to the lake of the four cantons; that of the Upper Rhine, running to the north-east; and that of the Ticino, which runs southward towards the plains of Lombardy.

To the east-north-east of the group of the St. Gotthard is the country of the Grisons, the ancient Rhetia, now forming part of Switzerland, the whole surface of which is studded with elevated ridges and peaks. The surface of this Alpine region is furrowed by sixty deep valleys, and the sides of the mountains are covered with glaciers, from which the various branches of the Rhine are fed. This mountain region, with the adjacent cantons of Glarus, and part of St. Gall and Appenzell, constitute Eastern Switzerland, which lies entirely within the Alps.

If we draw a line on the map from the eastern extremity of the lake of Geneva, in a north-east direction, to the eastern extremity of the lake of Constance, and make the line describe a slight curve to the northward about the middle of its course, so as to pass north of the lakes of Thun, Waldstätten, and Wallenstatt, we shall find that the whole Alpine region of Switzerland is to the south-east of this line; the country to the north and west of it constitutes the plateau or table land of Switzerland.

The Jura mountains occupy the western part of Switzerland. The chain of the Jura touches the country near the western extremity of the lake of Geneva; it runs in a north-east direction along the boundary between France and the canton de Vaud, which is partly covered by some of its ridges, and it then enters the canton of Neuchâtel, which it almost entirely covers, as well as the north-west part of Bern and the greater part of Soleure and Basle, and the north-west part of Aargau. The vale of the Rhine divides the Jura from the mountains of the Schwarzwald or Black Forest, which are a continuation of the same chain. The lakes of Neuchâtel and Bienne, and the valley of the lower Aar from the confluence of the Thiele to the junction of the Aar with the Rhine, mark the eastern boundary of the Jura region of Switzerland.

The Jura consists of several parallel ridges, of which the most eastern is generally the highest. It rises abruptly from the plain of Switzerland, but has a gradual slope on the French side. The valleys formed by the Jura are longitudinal, narrow, and short; some of them very elevated and cold. In proportion to its height, the region of the Jura is colder than that of the Alps, though the Jura does not attain above one-third of the elevation of the high Alps. Its principal summits in Switzerland, the Dôle, Mont Tendre, and Chasseral, are from 5,500 to 5,300 feet high. The Jura forms a broad limestone mass, extending like a rampart along the whole western side of Switzerland, with the highest part swelling here and there into rounded summits.

East of the Jura region, and north of that occupied by the Alps, the intermediate country constitutes the plateau or table land of Switzerland, which is the finest and most productive part of the whole: it occupies about one-half of its surface, stretching along the whole breadth of the country from south-west to north-east, and includes the cantons of Vaud and Freyburg, the greater part of Bern, nearly the whole of Luzern and Aargau, the whole of Zürich, Zug, Thurgau, and part of St. Gall. Schaffhausen, which lies north of the Rhine, forms part of the table land of Suabia. The table land of Switzerland slopes from south to north, from the foot of the Alps to the Rhine and the lake of Constance. Its climate is variable; the spring is subject to cold winds and late frosts, the summers are very hot. The vine thrives in most districts. The surface of the table land is furrowed by numerous valleys, which generally run from south-east to north-west; the principal of these valleys are the following: 1. The valley of the Sarine or Saane, a river which rises in the Alps, on the borders of the Valais, crosses the canton of Freyburg from south to north, and enters the Aar below Bern. 2. The valley of the Aar, from the point where that river issues out of the Alpine region, through the lake of Thun, flowing in a north-west course through the finest part of the canton of Bern, until it turns to the north-east near the borders of Soleure, after which it skirts the base of the Jura region. 3. The valley of the Gross Emmen, which river rises in the Alps near the lake of Brienz, and flowing north-west drains the fine districts of the Emmenthal and Burgdorf, in the eastern part of the canton of Bern, and then enters the Aar below Soleure. 4. The valley of the Reuss, a large river which comes from the St. Gotthard, and after flowing through the Alpine district of Uri, enters the lake of the four cantons, out of which it issues at Luzern, where it enters the table land of Switzerland; it then flows north, through part of Luzern, Zürich, and Aargau, and enters the Aar near Windisch, the ancient Vindonissa. 5. The Limmat, a rapid stream, which rises in the Alps of Glarus, where it is called the Linth, enters the lake of Wallenstadt, from which it issues at Wesen, and then enters the plateau or plain land of Switzerland. After marking the limits between Schwyz and St. Gall, it enters the lake of Zürich at its

eastern extremity, and issues out of it at the opposite or north-west end by the town of Zürich. It then flows north-west through part of that canton and afterwards of Argau, and enters the Aar below the confluence of the Reuss. 6. The Thur, which rises in the mountains of the High Toggenburg, in the canton of St. Gall, flows north through a great part of that canton, and then, turning to the west, enters Thurgau, which takes its name from the river; and after crossing this canton from east to west, flows through the northern part of the canton of Zürich, and enters the Rhine below Rheinau.

Various ranges of hills follow the course of these streams: they are generally wooded and rounded at the summit; few of them exceed the height of 1,500 feet above the surface of the plain. The elevation of the plain itself varies from 1,800 to 1,200 feet above the sea. The banks of the Sarine at Freyburg are 1,700 feet, those of the Aar at Bern are 1,600, those of the Reuss at Luzern are 1,400, and those of the Limmat at Zürich are 1,300 feet above the sea.

Nearly four-fifths of Switzerland belong to the basin of the Rhine, of which river the Aar is a main branch. The Valais, the southern part of Vaud, and the small canton of Geneva, are in the basin of the Rhone, the waters of which flow to the west and south-west. The ridge called Jorat, which runs from east to west through the southern part of Freyburg and of Vaud, separates the waters which flow northward to the Rhine from those which flow southward into the Rhone, or rather its reservoir, the Leman lake. The canton Ticino, being on the south side of the Alps, belongs entirely to the basin of the Po, of which the Ticino is an affluent. Several valleys of the Grisons, Calanca, Misocco, Bregaglia, and Poschiavo, being likewise on the south side of the Alps, belong to the same system, and their waters flow southward into the Ticino and Adda. The great valley of Engadin, which is in the south-east part of the Grisons country, between two lofty ridges of the Rhaetian Alps, is drained by the Inn, which is an affluent of the Danube. The Inn rises on the East slope of Mount Maloya, at the bifurcation of the southern chain of the Rhaetian Alps, one offset of which runs north-west to the sources of the Albula and the Landquart, which are affluents of the Rhine, and the other branches off to the eastward, along the northern border of Valtellina, which is an Italian valley, drained by the Adda, an affluent of the Po. Between these two ridges the Inn flows for sixty miles in a north-north-east direction, after which it enters the Tyrol by the defile of Finstermunz.

The small valley called Münsterthal, east of Engadin, which forms part of the territory of Switzerland, is drained by the Rom, an affluent of the Etsch or Adige, which flows through Lower Tyrol and the Venetian territories into the Adriatic.

The Rhine, the chief river of Switzerland, is formed by numerous streams which rise in the Alps of the Grisons and receive the waters of

all the glaciers of that lofty region. The two principal branches, which by their confluence form the Rhine, are called Vorder Rhine, or Fore Rhine, and Hinter (rear) Rhine. The Vorder Rhine rises in the lake Toma, 7,000 feet above the sea, and receives the drainings of the glaciers of Badus, Cornera, Crispalt, and others: it flows for about fifty miles in a north-east direction through a deep valley, receiving numerous streams from the south, the Medelser or Mittel Rhine, the Glenner, the Savienbach, and others. Near Disentis, fifteen miles from its source, the banks of the river are about 3,500 feet above the sea; at Reichenau, thirty miles further, they are only 1,900 feet above the same level. Near Reichenau the confluence of the Vorder Rhine and Hinter Rhine takes place. The Hinter Rhine has its source in the glacier of Rheinwald, in the valley of the same name, about 6,000 feet above the sea; flowing north-east, it skirts the northern base of Mounts Bernardin and Splügen, over which are two fine roads into Italy: it then turns to the north through the valley of Schams, passes along a deep defile, known by the name of Viamala, receives the Albula from the eastward, coming from the valley of Davos, and then passing through the valley of Domleschg, joins the Vorder Rhine. Below Reichenau, the united stream turns nearly due north, receives the Plessur, or river of Coire, and further down the Landquart, coming from the fine valley of Prätigau, after which it leaves the Grisons country near Luziensteig; from thence to its entrance into the lake of Constance, a distance of about thirty-five miles, it forms the boundary between Switzerland and the Austrian province of Vorarlberg, receiving on its left bank the Tamina, from the canton of St. Gall, and on its right bank the Ill, from the Austrian territory.

The lake of Constance, or Boden See, is about forty-five miles long from east-south-east to west-north-west, at which latter extremity it forms a deep and narrow gulf called Bodmer See and also Ueberlinger See, which stretches into the territory of the grand duchy of Baden. Throughout its eastern half the lake is about ten miles wide, and its greatest depth is 1,800 feet. One or two steam-boats run upon the lake of Constance. The Rhine flows out of it at the town of Constance, a mile below which it forms another lake, called Untersee and also Zeller See, which is about thirteen miles long, and five miles in its greatest width. A fine island, called Reichenau, rises in the midst of this lower lake.

The Rhine issues from the Untersee at the town of Stein, which is, at its western extremity, 1,280 feet above the sea: it then flows in a general west direction, but by a tortuous course, as far as Basle, forming the natural boundary of Switzerland on the north side for a direct distance of about seventy miles. The canton of Schaffhausen, however, lies entirely on the right or German bank of the Rhine, as well as a small part of Basle. In its course from Stein to Basle, the Rhine forms the cascade of Lauffen below Schaffhausen, about 70 feet high, and further down the rapids of Lauffenburg. By means of the Thur, the Aar, and



the Birs, it receives the waters of three-fourths of Switzerland. At Basle the level of the Rhine is about 900 feet above the sea, which is the lowest elevation in all Switzerland: here the river turns to the north, and soon after leaves the Swiss territory. The Rhine at Basle is about 500 feet broad.

The Rhone constitutes the other great river system of Switzerland. It rises in three sources, at the foot of Mount Furca, at the north-eastern extremity of the Valais, at the height of 5,500 feet above the sea. It receives the drainings of the large glacier which lies between the Gallenstock and the Furca, and descends rapidly to Oberwald, from whence it proceeds in a south-west direction as far as Martigny, a distance of seventy-five miles, through a large valley between the Bernese Alps on the north, and the Lepontian and Pennine Alps on the south, and receives the drainings of numerous glaciers from both ranges. At Martigny, the Rhone turns abruptly to the north-west, and continues in that course to its entrance into the Lemman lake. The direct distance from Martigny to the lake is about twenty-five miles. At St. Maurice, ten miles below Martigny, the Rhone makes its way through a narrow defile between the Dent de Morcle, (9,000 feet high,) a buttress of the Bernese Alps on one side, and the Dent de Midi, (10,000 feet,) a lofty projection of the Savoy Alps on the other: here the valley of the Upper Rhone properly ends.

The lake of Geneva, called also lake Lemman, which is the great reservoir of the Rhone, spreads in the form of a crescent between Switzerland and Savoy, its northern or convex bank forming an arc of about fifty-four miles in length, and the southern bank of about forty-six. Its breadth is about nine miles near the middle, but it becomes very narrow towards Geneva. It receives several streams, the principal of which are the Dranse from the Alps of Savoy, and the Vevayse and Venoge from the Swiss side. The greatest depth of the lake is about 1,000 feet near the Savoy coast, towards Meillerie; in other places it varies from 500 to 300 feet, and becomes less on approaching Geneva. The surface of the lake is 1,200 feet above the sea, but in summer it rises seven or eight feet, owing to the melting of the snows in the Alps. The Lemman is known to have been frozen over only twice, in A. D. 762 and 805. The Rhone, coming from the Valais, enters the lake by two mouths at its south-east extremity, and the waters of the river are there very muddy: it issues out of it again at Geneva, at the south-west extremity of the lake, where the river appears very clear, and of a deep blue tinge. Below Geneva it receives the Arve, a considerable Alpine stream which comes from the valley of Chamouny, and the waters of which are muddy and do not mix with those of the Rhone for a considerable distance after the confluence. The Rhone quits the Swiss territory near Chancy, the last village of the canton of Geneva, after which it turns to the southward, passing through a narrow defile between the Jura on one side and an offset of the Savoy Alps on the other.

Switzerland is a country of lakes: besides the two great lakes of Constance and Geneva, the other principal lakes are the Waldstätter See, called also the lake of the four cantons, because it lies between the cantons of Uri, Schwyz, Unterwalden, and Luzern. Its form is very irregular, somewhat in the shape of a cross, the lower part of which has been twisted or broken. The Reuss coming from St. Gotthard enters it at its southern extremity. The whole length of the lake is about twenty-six miles; the southern part of it, called lake of Uri, a sheet of deep water eight miles long, and between one and two miles broad, runs from south to north between two ranges of mountains, almost perpendicular, which give it a character of gloomy grandeur; it communicates by a narrow strait with the middle basin which spreads between the cantons of Schwyz and Unterwalden, in a direction from east to west, and is about nine miles in length, and about two miles wide; another narrow channel between two jutting capes leads from the middle basin into the western basin, called the lake of Luzern, which is the widest and finest of the three, and is nine miles in length from east-south-east to west-north-west. It throws out two arms or gulfs, that of Kussnacht to the north-east, and that of Stanzstad or Alpnach to the south-west. The town of Luzern lies at its western extremity, where the Reuss issues out of the lake, and the neighbouring banks are formed by verdant hills studded with cottages, whilst the square mass of the Rigi rises opposite, and the broken dark peaks of Mount Pilate are seen frowning on the other side. The country around the Waldstätter See is the classical ground of Switzerland, and is full of recollections of the heroic age of its independence. The level of the lake is about 1,400 feet above the sea, and its depth is in some places more than 1,000 feet. The lake seldom freezes; it is subject to violent gusts of wind from the mountains, which render navigation dangerous. A steam-boat plies between Luzern and Fluellen, the port of Altorf.

The lake of Zürich, formed by the Limmat, is twenty-four miles long from south-east to north-west, and from one mile to two miles wide. Its greatest depth is about 600 feet, and its level is about 1,300 feet above the sea. The banks of this lake, well cultivated and studded with villages and detached houses, are amongst the finest and most cheerful regions of Switzerland. The bridge of Rapperswyl, which is thrown across the lake, divides it into two unequal parts, the smaller or eastern part stretching between the cantons of Schwyz and St. Gall, whilst the larger part lies almost entirely in the canton of Zürich. The small but pretty island of Uffnau rises in the lake not far from Rapperswyl; it is known as the place of retirement and death of Ulrich von Hütten, a soldier and an author, who lived about the time of the reformation. A steam-boat plies on the lake of Zürich, between Zürich and Rapperswyl.

The lake of Wallenstatt, or Wallensee, to the south-east of the lake of

Zürich, which is also formed by the Linth or Limmat, lies in the Alpine region between the cantons of Glarus and St. Gall. Its level is more than 1,400 feet above the sea, its depth from 400 to 500 feet, its length from east to west is eleven miles, and its breadth about one mile. This sheet of water lies deeply embedded between two lofty ridges of mountains; those on the north rise almost perpendicularly above the water. A steam-boat runs on this lake also.

The lakes of Brienz and Thun, both formed by the Aar, lie in the midst of the Bernese Alps, and are the most elevated of the large lakes of Switzerland. The lake of Thun is more than 1,900 feet above the sea. It is thirteen miles long south-east to north-west, between two and three miles wide, and its greatest depth is about 800 feet. Besides the Aar, which crosses it in its length, the lake of Thun receives from the south the Kander, a large Alpine stream, which before its confluence receives the Simmen, another considerable stream, which gives its name to the Simmenthal, a fine valley more than thirty miles in length, rich in cattle, and belonging to the canton of Bern. A steam-boat plies on the lake of Thun, which is much visited by tourists from Bern. The lake of Brienz is smaller, and a few feet higher than the lake of Thun, with which it communicates by the Aar. It receives from the south the Lutschine, coming from the Alpine valley of Lauterbrunnen, celebrated for its numerous and fine waterfalls, and for the fine view of the Jungfrau, one of the high summits of the Bernese Alps. Another stream, called also Lutschine, comes from the valley of Grindelwald, which is also much visited by travellers for its fine glaciers, some of the largest in Switzerland, and which spread at the foot of that enormous mass of Alps which, under the names of Schreckhorn, Wetterhorn, and Finsteraarhorn, is grouped on the borders of the cantons of Bern and Valais. The two Lutschinen unite before entering the lake of Brienz.

The lake of Neuchâtel is the largest in Switzerland, after those of Constance and Geneva, being twenty-five miles in length from south-west to north-east, and about five miles broad throughout one-half of its length. The other or southern half decreases in width more and more as it approaches the town of Yverdon, which is at its south-west extremity, and where the lake is hardly two miles broad. Its level is about 1,400 feet above the sea, and its greatest depth about 350 feet. The river Orbe, coming from the valleys of the Jura, enters it at Yverdon and issues from it at the opposite or north-east extremity, under the name of Zihl or Thiele. It also receives the Broye, which is the outlet of the lake of Morat, and the Reuse, Seyon, and other streams from the Jura mountains. This lake extends along the base of the ridge of the Jura, which it separates from the elevated plain or table land of Switzerland. Extensive marshes spread at its north-east extremity between it and the contiguous lakes of Morat and Biemme, which apparently at one time formed with it only one basin, and even now in seasons of extraordinary floods, as was the

case in 1816, the three lakes join their waters together. The basin of the lake of Neuchâtel belongs to the river system of the Rhine, and is divided from that of the lake of Geneva by the ridge of the Jorat, a high tract of land which stretches from west to east across the cantons of Vaud and Freyburg from the Jura to the banks of the river Sarine, where it joins some of the offsets of the Bernese Alps. A steam-boat plies daily on the lake of Neuchâtel.

The countries bordering on Switzerland are:—1st, France, which bounds it along the whole of its western frontier from the Rhine near Basle to the Rhone below Geneva. The ridge of the Jura, as we have already said, runs along the whole line. The principal roads from France to Switzerland are:—the high road from Paris to Basle, which passes through Langres, Vesoul, Belfort, and Altkirch. Another road leads from Belfort to Porentrui in the canton of Bern. Several roads lead from the French department du Doubs into the canton of Neuchâtel, one from Martau to the Locle, and another from Pontarlier into the Val de Travers. From Pontarlier another road leads by Jougne to Orbe in the canton de Vaud. Lastly, there is the great road from Paris by Dôle, which, on reaching the summit of the Jura at Les Rousses, branches out into two roads, one of which and the easiest leads by St. Cergue to Nyon in the canton de Vaud; the other leads by a very rapid descent through Gex and Ferney to Geneva.

On the south, Switzerland is bounded by two kingdoms, Sardinia and Austrian Lombardy. The Sardinian territory borders upon the canton of Geneva, from the Rhone to Hermance, beyond which the Lemane lake separates Savoy from Switzerland. Eastward of the lake the boundary line runs in a south-east direction along an offset of the Alps, which separates Savoy from the Valais as far as the group of the St. Bernard, from whence the frontier between the two countries runs along the main ridge of the Pennine and Lepontian Alps as far as the north-west bank of the Lago Maggiore. The principal roads leading from Switzerland into the Sardinian territories are: the high road from Geneva to Chambéry, and thence to Turin by the Mount Cenis; the road from Martigny in the Valais to Aosta in Piedmont, over the St. Bernard, which is practicable only for mules; the great road of the Simplon, made by Napoleon, and which leads to the Lago Maggiore; besides several mountain paths over the high Alps from the Valais into Piedmont.

The frontier of Austrian Lombardy begins at the north-east bank of the Lago Maggiore, and runs in a very irregular and not naturally defined line along the southern and eastern borders of the canton Ticino, as far as Mount Giori, from whence it follows a lofty ridge of the Rhætian Alps, which divides the Grisons from the Austrian province of Valtellina. The two carriage roads along this tract are those of St. Bernardino, and the Splügen, both branching from the great road from Coire to Italy, the former leading through Bellinzona in the canton Ticino to the banks

of the Lago Maggiore, whilst that of the Splügen leads by Chiavenna to the banks of the lake of Como. Several mountain paths lead from the Grisons into Valtellina.

The Austrian provinces of Tyrol and Vorarlberg bound Switzerland along the whole of its eastern frontier, which is marked by lofty ridges of the Rhaetian Alps from the Stilsfer Joch to the Rhine near Luziensteig. This line of mountains is interrupted by the valley of the Inn, which rises in the Grisons, and opens into the Tyrol by the narrow defile of Finstermunz. The high road from Coire to Innsbruck passes by Luziensteig and Feldkirch. North of Luziensteig the Rhine marks the boundary between Austria and Switzerland down to the lake of Constance. The broad expanse of this lake separates Switzerland from the kingdoms of Bavaria and Wurtemberg, both of which stretch along its northern bank. The harbour of Lindau is the chief point of communication between Bavaria and Switzerland, and that of Friedrichshafen forms the starting point from the Wurtemberg territory.

The whole northern frontier of Switzerland from the lake of Constance to Basle is formed by the grand duchy of Baden, the Rhine as already said making the boundary line, except where the canton of Schaffhausen intervenes, which lies outside of the natural limits of Switzerland. The two principal roads which enter Switzerland from the north pass by Schaffhausen and Basle. Steam-boats of late years ascend the Rhine as far as Basle, thus affording an uninterrupted line of communication by water from England by Rotterdam to Switzerland.

The following statistical tables of the various cantons are intended to complete this sketch of the geography of Switzerland. The area and population are taken from the latest authorities: Leresche's *Dictionnaire Géographique de la Suisse*, 2 vols., 8vo., Lausanne, 1836; and Guinand, *Esquisse de la Terre, suivie de la Description de la Suisse*, 4th edition, 1839, which is used in the schools of the canton de Vaud.

## HISTORY OF SWITZERLAND.

### FIRST PERIOD.

THE HISTORY OF HELVETIA, FROM THE FIRST IRRUPTION OF THE NORTHERN TRIBES TO THE REIGN OF RUDOLPH OF HABSBURG, AT THE CLOSE OF THE THIRTEENTH CENTURY.

IN the fourth century of the Christian era, the provinces of Helvetia and Rhaetia were integral parts of the Roman Empire, in the enjoyment of a considerable degree of civilization and prosperity. Flourishing Roman Colonies, such as Vindonissa, Augusta Rauracorum, Aventicum, Noviodunum, Octodurum, Vitodurum, the Thermæ Helveticæ (modern Baden), and others were scattered about the country; military roads across the Alps secured a prompt communication with Italy, to which Helvetia was an essential rampart on the side of warlike Germany\*. The descendants of the ancient Helvetians no longer formed a separate or distinct people; in the course of three centuries they had been blended with or confounded amongst their conquerors, whose manners and language they had adopted; and when at last the Roman eagles were scared away by a new race of invaders, the people of Helvetia, both of Roman and aboriginal descent, were either exterminated, or reduced to slavery under the general appellation of *Romans*, then become a word of contumely, which the invading northern tribes applied indiscriminately to the inhabitants of the countries they conquered. The very name of Helvetians then disappeared, and all traces of their origin were obliterated.

The Burgundians, a tribe of the Wendes from the farthest end of Germany, near the shores of the Baltic Sea, appeared on the Rhine in the latter part of the fourth century, under the reign of Valentinian I. In the spirit of that weak and perfidious policy which characterized the councils of the Empire in its decline, the Burgundians were at first encouraged in their advance by the Roman commanders, with a view to check the irruptions of the formidable Alemanni, another race of barbarians, who threatened the power of Rome in the same quarter, and with whom the Burgundians were then at war; but Valentinian, after defeating the Alemanni in a great battle, having no longer need of the assistance of the Burgundians,

\*Plantin *Helvetia antiqua*, Bern, 1756.

opposed their further progress, and obliged them to retreat again into the wilds of Germany. They reappeared, however, at the beginning of the following century, led by their chief Gunthahar, and having crossed the Rhine, they entered the province called Germania Superior, now Lorraine and Alsace. Constantius, who commanded in that quarter for the Emperor Honorius, assigned them lands on their promising to defend the frontier of the Rhine against other tribes. They lived for a time in peace and good understanding with the native Gauls; their leader Gunthahar, or Gundicarius, became a convert to Christianity, and was baptized, with most of his men, by a Roman Bishop about the year 417, according to the historian Orosius. The Burgundians, who appear to have been a race less rude and ferocious than many of their northern brethren, were originally shepherds, and brought with them large herds of cattle, but they soon learnt agriculture from the Gauls. Meantime the Franks, another German tribe, having crossed the lower Rhine settled in Belgic Gaul. Ætius, the Roman general, uneasy at the neighbourhood of the two warlike races, closed with his troops round the Burgundian settlement, and brought that people to a forced understanding that they should remove farther south, and occupy the lands between the Jura and the Alps, namely, western Helvetia, with the country of the Allobroges. The Burgundians accepted the offer, and they found rich pasture for their cattle in the fine valleys where they were settled. They promised on their part to defend the passes leading to Italy, and they did so faithfully, when the Huns, a savage Scythian horde, led on by Etzel or Attila, "the scourge of God," swept, like a hurricane, over western Europe. The Burgundians opposed their advance, but were defeated, and their chief was killed in battle, about the year 450. The Huns, however, a people of hunters, passed on, destroying all human habitations and carrying away the people into captivity, leaving behind a long and dismal track of devastation, until Ætius, assisted by the Franks and other German settlers in Gaul, utterly routed them in a memorable battle fought in the *Catalauni campi*, or plains of Châlons. The Burgundians, weakened by their defeat, formed an alliance with the Visigoths, a powerful Scandinavian race who had settled in Southern Gaul, and who were instrumental in repelling a second invasion of the barbarous Huns; and they adopted Gundioch, a Visigoth chief, for their king. The Roman power in the west was now crumbling; and province after province was dismembered from the Empire. The Burgundians availed themselves of this opportunity to extend their dominion across the Jura into Gaul, along the banks of the Saone and the Rhone, and over that fine country which has ever since borne their name. The inhabitants of Gaul, weakened by misfortunes and deserted by Rome, opposed no resistance, and submitted to share their lands with the new comers. Every Roman proprietor, and the Gauls were included in the appellation, was obliged to give to a Burgundian two-thirds of his lands

one-third of his slaves\*, and one-half of his forests and buildings. The king's share was the best and the largest, it constituted his sole revenue, taxes being then, and for a long time after, unknown to the free German tribes. The king, or chief, was chosen by the people to lead them in war; his authority in time of peace was extremely limited: it consisted chiefly in summoning the *gemeine* or general assemblies of all the free men, and in executing the resolutions there passed. When, however, the German races became settled in the regions of the west, partly by conquest and partly by a forced consent, extorted from the weak emperors, the latter invested the principal chieftains with the rank of *patricians* or *vicarii*, delegating to them their authority over the Roman citizens who remained in the countries thus dismembered from the Empire, and by this measure of policy they continued to retain for some time longer a shadow of nominal authority in the western world. Over the Roman population, therefore, the power of the barbarian kings was much more extended and absolute than over their own free countrymen†.

After the final settlement of the Burgundians in the regions of eastern Gaul and of Helvetia, something like a regular system of society can be traced among them. The ranks were the same as among other German tribes, *optimates*, or nobles, *mediocres*, or common freemen, *leudes*, or freedmen who could be tenants but not freeholders, and lastly *coloni*, or serfs bound to the soil. The king's serfs, however, as the kingly authority became extended, were equal to freedmen. The property of a Burgundian was divided at his death among all his children. There were lands called *allemeind*, or common property. The business of the freemen was war, and the cultivation of their fields in time of peace; all other handicraft or trade was exercised by slaves.

Gundioch left four sons, Hilperic, to whom he gave Geneva and the country around; Godegisel, who had Besançon; Gundobald, who took Lyons as his portion; and Godemar, who had Vienne on the Rhone. The Burgundians, however, still remained united as one nation. Gundobald, the most enterprising of the four brothers, was raised, through the interest of his relative Count Ricimer, a Suevian chief in the service of the empire, who exercised a paramount influence at Rome, to the rank of patrician by Olibrius, one of the many short-lived occupants of the tottering throne of the west. After the deaths of Olibrius, and of Rici-

\* Slavery having been long established all over the Roman world, continued in practice after the spreading of Christianity. The slaves were individuals who had been taken prisoners in war, and their descendants. They were publicly sold in the markets. After the invasion of the northern tribes, we find two sorts of slaves, those who belonged to the Romans and other inhabitants of the Empire, and the captives made by the new conquerors. The latter were better treated than the former. By degrees they became *coloni*, or serfs attached to their masters' estates.

† Chlodowig or Clovis king of the Franks, was invested by the emperor Anastasius with the decoration of the purple, and the titles of patrician, consul, and even Augustus. Theodoric was likewise acknowledged by Zeno as king of Italy, after the extinction of the western empire.



mer, Gundobald, who was at Rome with an auxiliary Burgundian force, bestowed the imperial purple on Glycerius, an obscure soldier, in the year 472. The empire was now no longer called Roman but Italian, *imperium Italicum*, and crowned puppets were set up and put down by Ricimer, Gundobald, Odoacer, and other chiefs of the barbarian mercenaries, or confederates, as they were styled, to whom the defence and safety of Italy and of Rome were entrusted, and who were in fact the sovereigns of the country, although they did not take the title of Emperor, which, by ancient law or usage, no one but a Roman citizen could assume. Odoacer was the first barbarian who ruled alone as *patrician of Italy*, after the forced abdication of Romulus Augustus, (strange coincidence of names!) last Emperor of the West, A. D. 476. A decree of the Roman Senate at that time abolished the imperial dignity.

Gundobald having returned to his principality of Lyons, aspired to the undivided sovereignty of the whole Burgundian kingdom; and made war on his brothers Hilperic and Godemar, and defeated them. Humanity to the vanquished was no feature of the barbarian character. Hilperic and his two sons were beheaded at Geneva, and his wife thrown into the Rhone. Godemar, besieged in the tower of Vienne, perished amidst the flames in the year 486. Thus Gundobald remained possessor of all his father's dominions, with the exception of Besançon, where his brother Godegisel maintained himself. The unfortunate Hilperic had left two daughters, Sedeleuba, who devoted herself to a life of religious seclusion, and Clotilda, who was demanded in marriage by Clovis, the powerful king of the Franks. With much reluctance Gundobald complied with Clovis's demand, and sent him his niece, who afterwards exerted so much influence over the destinies of her husband and of France. Gundobald restored the walls of Gebena or Geneva, and under his reign the first huts were built on the hills now occupied by the city of Lausanne, the old Lausanium of the Romans having been destroyed, as well as most of the Roman colonies in Helvetia. The country, in fact, had become a wilderness, but pious hermits came and built their cells and sanctuaries in many a solitary district, and revived agriculture in the Helvetian valleys. They were called *Sancti*, which meant religious and virtuous men. Gundobald was favourably disposed towards his Roman subjects, and he seems to have intended to place them on an equal footing with the Burgundians. This was attributed by the nobles to his ambitious views, and a diet of the lords ecclesiastical and lay, and of the freemen of Burgundy, was convoked at Geneva about the year 500, at which Gundobald's enactments were abrogated, and soon afterwards a collection and revisal of the Burgundian laws were effected at Ambiracum, and signed by thirty-six lords or counts\* of the kingdom. The old custom of compounding for murder by means of a sum of money,

\* *Comites*, companions, originally the ablest and most valiant of the nation who stood by the king in battle, and executed his orders.

was abolished among the Burgundians sooner than among the Franks. In the early stages of barbarian society, in their native wilds and forests of Germany, men were more afraid of fine than of death, for property was scanty and difficult of acquirement, whilst life they were accustomed to risk frequently in battle. But as the tribes became settled in more favoured regions, and as they became possessed of permanent property, they grew less fond of war, the boon of life was better appreciated, feelings altered, and the laws were altered accordingly. We also find the ban or outlawry pronounced by the Burgundian laws against a free-man who killed a slave, a crime formerly overlooked by the laws. A woman who forsook her husband was suffocated in a marsh. Divorce was allowed in case of adultery, of attempts at poisoning, and of witchcraft. If a slave had connexion with a free woman, they were both put to death. If a free man violated a girl and could not pay the heavy fine prescribed by the law, he was at the mercy of her parents, who might mutilate him. He who refused hospitality to a stranger was fined, if a free man, and flogged, if a slave.

Gundobald married his son Sigismund to the daughter of Theodoric, the powerful king of the Goths and of Italy, the most illustrious and enlightened chief in those barbarous times, the friend of Boetius and of Cassiodorus, who recalled learning and the arts to the devastated regions of the South. Gundobald himself esteemed the learned, and he employed the Roman patrician Syagrius in improving the rude dialect of the Burgundians, of which Gundobald felt ashamed. In fact, the kings and chiefs of the northern tribes now settled in the West, were no longer the uninstructed barbarians their fathers were when they issued out of the forests of Germany. In their necessary intercourse with the Romans they had adopted the Latin language, which became of common use among the Franks and the Burgundians, and by its corruption and admixture with the northern idioms gave birth to the romance dialects. Their conversion to Christianity mainly contributed to the change, as Latin was the language of the church. They chose, likewise, their councillors and ambassadors among their Roman subjects, who acquired thereby considerable influence.

In 514, Gundobald, feeling himself old and weak, called together a Diet at his residence of Quadruvium, near Geneva, where his son Sigismund was proclaimed his successor as king of the Burgundians, with the usual ceremony of being raised on a shield. Gundobald died shortly afterwards in the 50th year of his reign. Sigismund received the patrician dignity from Anastasius, Emperor of Constantinople; for, after the extinction of the Western Empire, the Eastern Emperors had retained a nominal authority over the former Roman provinces in the West in their quality of successors of the Cæsars. Although Gundobald was of the Arian communion, his son Sigismund had embraced the

Catholic Faith\*, and soon after his accession to the throne he received letters from the Pope or Bishop of Rome, urging him to convoke the assembly of the Bishops of Burgundy, which had been neglected during his father's reign. The council being assembled, a series of regulations were adopted for the discipline of the clergy. The *clerici* who infringed these statutes were to be judged by their own order, and the plurality of voices; the monks by the assembly of their brethren presided over by the Abbot, and the secular priests by their Bishops. But if the offence was against the general laws of the country, any one might be the accuser, and the culprit was obliged to answer the charge before the secular judges. Capital offences by clergymen were punished by imprisonment for life. It was decreed that no candidate should be ordained deacon or presbyter who had married a widow, or a second wife. No young clergyman was allowed access to a nun without the consent of her parents. Clergymen in general were forbidden to visit women at improper hours†. Hunting, and other sports were also declared to be improper for men of their sacred profession. The clergy already possessed property by means of donations or legacies, but their lands were scattered, and not united into lordships as at a later period. The monks tilled the ground and exercised charity towards the poor and the stranger.

Whilst Western Helvetia, which comprised the region between the Jura, the Lemane lake, (the Lake of Geneva,) and the river Aar, was thus recovering from former devastation under the more settled sway of the Burgundian monarchs, the northern and eastern parts of the country were in the possession of the Alemanni, a ferocious nomadic people, who had been among the first invaders of the Roman empire. Although successively repelled by Aurelian, Julian, and Valentinian, they at last (about the middle of the fifth century), spread along the Rhine from Cologne to the Rhetian Alps. In their repeated irruptions they completely devastated the valleys of Helvetia, destroying the towns and villages, reducing the country to a wilderness, and the inhabitants to a state of bondage. Hunting being their chief means of subsistence, they acknowledged no division of lands among them, nor did they live in towns, but encamped in the fields. Thus, by degrees, vast marshes and forests spread over the north-eastern parts of Helvetia, and encumbered the banks, now so fertile, of the lakes of Zurich, and of Constance. The Helvetia of the Alemanni was divided from that of the Burgundians by a desert tract between the river Reuss and the Aar. But those Ale-

\* The Catholic or Nicene creed obtained the prevalence in the west towards the end of the sixth century by the conversion of the Visigoths of Spain, and of the Lombards in Italy. The Franks had become Catholics at their first conversion, and their connexion with the Burgundians influenced, probably, the adoption of Catholicism by the latter.

† *Horis præteritis, meridianis vel vespertinis.* Chastity had ever been in honour among the German nations, even in their pagan state, different in this from the Huns, and other Scythian tribes, amongst whom polygamy was established.

manni who had settled lower down on the Rhine came to hostilities with their neighbours the Franks, and a desperate battle ensued between the two people in the plains of Tolbiacum, near Cologne, in the year 496. It was on this occasion that Clovis, king of the Franks, made a vow that should he be victorious, he would embrace Christianity, the faith of his wife Clotilda. This being understood by the Christian Gauls who were in his army, gave them a fresh impulse, and victory decided for Clovis. The Alemanni were totally defeated, and Clovis fulfilled his vow by causing himself and his Franks to be baptized; but it was not until after several years that he succeeded in subjugating the whole nation of the Alemanni, which he effected in great measure by exterminating the refractory. The Helvetia of the Alemanni thus passed into the hands of the kings of the Franks, who appointed dukes to govern the country.

The mountainous province of Rætia, which extended from the lake of Wallenstadt to the foot of the St. Gothard, and eastward along the lofty chain of Alps that border the valleys of the Adda and of the Inn, was then considered as belonging to Italy, and it followed the fortunes of the latter country. After being overrun by various tribes, it fell into the hands of the Ostrogoths, whose king, Theodoric, ruled over Italy. Under his reign, as it has been already remarked, order and security were enforced. He appointed Servatus, duke of Rætia.

Sigismund's wife, a daughter of Theodoric, having died, the Burgundian king married a woman of inferior condition, at whose instigation he afterwards put his own son to death. Theodoric declared war against him, to avenge the death of his grandson, and Clotilda, Sigismund's cousin, who had never forgiven the murder of her father by Gundobald, instigated her own sons, who, after Clovis' death, had divided between them the kingdom of the Franks, to join in the attack on Sigismund. The Burgundians were defeated, and Sigismund having given up the command to his brother Gondemar, took refuge in the convent of St. Maurice in the Valais; but he was taken thence by the Franks, and brought to Orleans, where he was put to a cruel death, with his wife and her two sons, by order of Clodomir, son of Clovis. Theodoric's generals, in the meantime, had taken possession of the southern part of the Burgundian dominions. Gondemar, however, continued to struggle for eight years against his enemies; having made peace with the Ostrogoths, and left them in possession of the chain of the Helvetian Alps, he turned his whole strength against the Franks, and defeated and killed Clodomir in battle. The body of that prince being taken to the implacable Clotilda, she urged the Franks to ravage the territories of Gondemar, where they committed the most atrocious cruelties. At last, in 534, Gondemar was defeated in battle and disappeared, leaving it in doubt whether he had fallen among the slain, or had escaped to wander

into other lands. With him ended the first kingdom of Burgundy, one hundred and twenty-eight years after that people had first crossed the Rhine. Soon afterwards the Ostrogothian kingdom in Italy also fell to pieces, owing to dissensions among the successors of the great Theodoric; and Dietbert, or Theodebert, king of Austrasia, and grandson of Clovis, took possession of all the dominions of the Ostrogoths in Helvetia and Rhetia, and in southern Gaul. To this acquisition Dietbert had a double claim; first, by a cession made to him by Vitiges, king of the Ostrogoths; and, afterwards, by a formal acknowledgment of the emperor Justinian, who confirmed the cession in the year 536. "This," observes an old French historian, "was a new title to the Franks for the dominion of Gaul. From that epoch the Franks became masters of Marseilles, Arles, and the shores of the Mediterranean."

All Helvetia was now under the rule of the Franks; but the distinction continued from its three principal provinces, which were under separate local governments, namely, Burgundian Helvetia, or transjuran Burgundy, the Helvetia of the Alemanni, and Rhetia. A distinction which may still be traced in the manners, language, and even the appearance of the inhabitants; the Burgundian part corresponding, in great measure, to that which is now called French Switzerland, whilst the German cantons occupy the country formerly that of the Alemanni. The Burgundians, however, on submitting to the Franks, after Gondemar's defeat, entered into a treaty with their conquerors, by which it was stipulated that "the kings of the Franks should also bear the title of kings of Burgundy, and as such should be entitled to all the services formerly paid to the house of Gundioch, the nation, and each individual of it, at the same time retaining all their rights and privileges, their laws and properties; and also that the Burgundian troops should not be scattered in separate bodies among other militia." Thus the Burgundians remained a distinct nation, differing in this from the Alemanni, who had not obtained such favourable conditions from the Franks, but were ruled as a conquered people. A duke was appointed to the government of lower Burgundy, and a patrician to that of the high lands of the Jura and the Alps. Another duke ruled over the Alemanni, and a president over Rhetia. The authority of the Frankish kings was not tamely acknowledged in the mountain districts, and the optimates, as well as the people, submitted with reluctance to a foreign yoke. Eager to escape from thralldom, whole bands of them severally left their homes to serve as mercenaries in foreign lands. Ten thousand Burgundians at one time crossed over to Italy and joined the camp of the Ostrogoths, who were besieging Milan, which city being taken in 538, all the male inhabitants, including infants, were butchered, the clergy were slaughtered at the foot of the altars, and the women led into captivity by the Burgundians. This dreadful massacre was in

great measure the result of the fanatical hatred between the Arians and the Catholics. Another army, of seventy thousand Alemanni and Franks united, left Helvetia to make an incursion into Italy, about the year 555. They overran and pillaged that country to its southernmost extremity; but being met on their return through the plains of Campania by Narses, the general of Justinian, they were defeated and utterly destroyed. When we read of the frequent incursions of the barbarians into Italy, during several successive centuries, we must not imagine that every irruption was made by a new people or horde come directly from Germany, Scandinavia, or Scythia. In most cases, nations long settled in Gaul, Helvetia, and Noricum, sent forth marauding parties, composed of men weary of inaction and thirsting for plunder, to try their fortunes in the fair regions of Italy, a country, the weakness of which had become as proverbial as its fertility.

Under the turbulent dynasty of the Merovingian kings, the vast empire of the Franks was sometimes divided between three or four Sovereigns, one of whom resided at Metz, another at Paris, and a third at Orleans, and at other times was reunited under one head, as was the case under Clotarius I. During these partitions, the Helvetia of the Alemanni was in general dependent on the kingdom of Metz, and Burgundy of the kingdom of Orleans. Gontram, son of Clotarius, king of Orleans and of Burgundy, strove to check the power of the nobles in the latter country, by dividing it into several governments; and thus formed western Helvetia into two provinces, one of the Alps, and the other between the Jura and the river Aar. Landed property was then, however, the foundation of all power; the whole nation formed the army; the system of paying troops out of taxes levied in the sovereign's name, did not exist among the Germanic tribes: indeed, some of the Merovingian kings, such as Chilperic I., king of Soissons, who began to levy taxes on estates and slaves, were resisted in the attempt. The nobles of Burgundy, alarmed at Gontram's innovations, availed themselves of one of the frequent wars between the various princes of the Franks, in order to extort greater immunities for themselves. This they effected in 587, when the grants made, at various times, by the king to his *fideles* and to the church, which had been till then held only during pleasure, were declared to be for life, and soon afterwards hereditary. Seven and twenty years before this period the nobles had been satisfied with an enactment which declared thirty years' possessions to constitute a title to the property. This was the origin of fiefs, or feudal property, the holders of which were bound to do homage and to perform certain services for it, differing in this, from *allodial* property which was derived from the allotments made to all freemen after the conquest, and which was wholly independent and hereditary. Under the reigns of Gontram and of his nephew Childebert, laws for the security of property were promulgated in the assembly

of the notables which was held in the month of March in every year. The country was divided into districts called *centenæ* or hundreds, because originally consisting of a hundred families of freemen the heads of which were answerable for the robberies and other offences committed in their district, unless they brought the offenders to justice. The *centenarii* or justices of the hundreds, as well as the magistrates of whole districts or provinces having no armed force at their command, depended on the assistance of all the freemen for the execution of the laws. Doubtful cases were decided by an appeal to what was called "the judgment of God," being in other words the ordeal of fire or water, or single combat. The bishops, styled "the fathers of the people," formed jointly with the dukes and counts, the council of the state. The counts had the administration of justice over large districts, and the dukes that of whole provinces, appeals could be made from them to the bishops who examined and verified the sentences. The laws were few and mostly prohibitive, rather than injunctive. Theft was punished with death on the evidence of five impartial witnesses. The Sunday was strictly observed, and if dancers or jugglers exhibited on that day, one hundred stripes were their punishment.

Childebert died in 596, and was succeeded in Burgundy by his son Thierrî who was a minor, under the regency of his grandmother Brunehaut, a clever but intriguing and mischievous woman. She bestowed upon Protadius a Roman, and governor of the province of Scodengen which extended as far as the Aar in Helvetia, the dignity of *major domus*, major of the palace, an office which became afterwards more powerful than that of the king himself. Protadius endeavoured to depress the nobles, but was not supported in his attempts by the people. "Our ancestors," says the historian Muller, "mistrusted all such policy, which they considered as something like that of a wolf strangling the dogs of a fold, and pretending that he did it for the purpose of delivering the sheep from the importunate watching and barking of their guardians." Protadius summoned the freemen to take up arms against Dietbert king of Austrasia: the nobles, when assembled in the field at the head of their retainers, felt their strength, and one of them, Welf, a Burgundian lord, declared "that they did not look upon Dietbert as a dangerous enemy, that the people would not make war against him, inasmuch as their principal foe inhabited the palace of their own kings." That day Protadius was killed in an affray; Brunehaut avenged his death by another crime, the murder of Welf. She then bestowed the provinces of Scodengen, Wadt and Uechtland, which included all western or Burgundian Helvetia, on her grand-daughter Theodelinda. Thierrî soon after died, and his cousin Clotarius II., king of Soissons, united under his sceptre the whole dominions of the Franks: A.D. 613, Brunehaut fearing the punishment due to her numerous misdeeds, fled to her grand-daughter's castle of Orbe in Helvetia, but the Burgundian nobles

seized her and gave her over to Clotarius who sentenced her to a cruel death. She was the widow of Siegbert king of Austrasia, and her hatred against another wicked woman, Fredegonda, wife of Chilperic king of Soissons, was the cause of continual wars and atrocious crimes for nearly half a century.

Clotarius II. having sworn to maintain the laws and liberties of the Burgundians was acknowledged by them as king, but the real power remained in the hands of Warnachar, major domus of Burgundy, whom Clotarius confirmed in his situation for life. He did the same by the major of the palace of his other kingdoms of Austrasia and Neustria, and by so doing he stimulated still further the ambition of those officers who soon contrived to make their dignity hereditary in their families. Alethæus patrician or governor of the Valais and of the higher Alps, a descendant of the old stock of Gundioch, aspired to the throne of Burgundy. The bishop of Sion undertook to persuade the beautiful wife of Clotarius to forsake her husband, who, he predicted in his pretended knowledge of astrology, would not live to the end of that year, and to unite her fortunes to those of Alethæus, who was to re-establish the old independent kingdom of the Burgundians. The queen, however, would not be persuaded, but revealed the plot to her husband. Alethæus was beheaded, and the bishop of Sion rigorously confined to his diocese.

In 615, Clotarius convoked a general assembly of the lords, *proceres*, and *leudes*, and of the bishops of the kingdom of France and Burgundy, in his *good city* of Paris, in order to effect the reform of abuses. This was styled the Fifth Council of Paris. Seventy-nine bishops were present. These assemblies being composed of churchmen and laymen for the object of legislating for both orders, united the attributes of synods and of parliaments: their decrees were called capitularies, and had the force of law over the whole nation. Clotarius had also ambulatory parliaments, or courts which judged of local matters, and were called *placita*, whence the word *plaids*, pleadings. In the above Council of Paris it was ordained that the bishops, being elected by the clergy and the people, should be consecrated at the request of the king by the archbishop, attended by his suffragans. Bishops were not to be superseded or replaced, except when unable to perform their functions. In both civil and criminal matters the clergy were to be tried and judged according to law, ecclesiastical judges being present in the court; in questions between clerical and lay parties, the court was to be composed of both orders in equal numbers; the vows of nuns were declared irrevocable, and death was awarded to the seducer; freedmen were placed under the protection of the clergy; the taxes which Protadius and others had exacted were abolished, certain articles alone paid fixed duties according to old statutes; offices were to be filled by natives only. Not even a slave was to be condemned without



being heard in his defence: public officers were to assume no power beyond that given them by the laws; Jews could bring no action against Christians, and the latter were forbidden to participate in usurious transactions; grants made by former kings were to be faithfully maintained. Two great principles were established by these enactments: first, that a freeman could be judged by his peers only; and, secondly, that the magistrate or judge of a district must be a native and an inhabitant of the same, acquainted with the habits and wants of the people, and sharing their common sympathies. This was the first foundation of a municipal administration. The two great orders in the state, the nobles and the dignitaries of the church, both powerful and both independent of the king, became checks on each other, and from their mutual vigilance some sort of protection to the people was derived.

Under Dagobert, successor to Clotarius II., whose memory has been handed down to us by tradition with the flattering appellation of *le bon Roi Dagobert*, France and Burgundy enjoyed tranquillity and prosperity, commerce revived, merchants from France traded as far as Constantinople, and Saxon traders resorted to the fairs of St. Denis. The spoils of Italy, into which both Franks and Burgundians had made repeated incursions, generally carrying back with them an ample booty, served to enrich their country. We read in the old chronicles extraordinary accounts of the wealth and magnificence of those times. Dagobert, it is said, had a throne of solid gold made by Eloi, or Eligius, a skilful workman, who was subsequently king's treasurer, and bishop of Noyon; and after his death, was numbered by the church of Rome among its saints.

We have seen that the Helvetia of the Alemanni was governed by a duke, dependent on the Frank kingdom of Austrasia, or Metz. That part of the country, however, was still considerably behind Burgundian Helvetia in the progress of civilization. The Alemanni continued in their rude, pagan state till the seventh century. Unlike the Burgundians or Franks, they had not, after their conquest, made any regular division of lands with the old inhabitants, but considered the whole as their property, and the tenants as their *coloni* or bondsmen, to whom was intrusted what little cultivation remained in the country, on condition of their paying rent in kind to their new masters. But by far the greater part of the land had become a wilderness, in which the Alemanni grazed their flocks, or hunted the beasts of the forest. The laws of the Alemanni, different in this from those of the Burgundians, make no mention of the subject, or Roman race; they speak only of themselves, of their horses and bisons; of their bears, whose flesh they ate; and of their stags and hounds. The old laws of the Alemanni were first collected under Childebert II., king of Austrasia, and afterwards under Dagobert; when they were reduced to something like consistency. The nation of the Alemanni was classed into *optimates*; *medii*, or

middle estate; *liberti*, or freedmen; salaried servants; and lastly, slaves. The latter cultivated one half of the land for their masters, and the other for themselves: working for the former three days in the week (as is the case to this day with the serfs in Poland and parts of Russia); and paying, besides, to their masters a determinate quantity of fowls, eggs, pigs, bread and beer. Once a fortnight, on the Saturday, the freemen of each district assembled under the presidency of the count or governor to administer justice, and to settle other local matters; and on the 1st of March every year, a general assembly of the province was held. Their laws were as simple as their manner of living; they aimed rather at repressing the abuse of physical force, than the devices of craftiness; the latter being little known amongst them. Manslaughter was punished by heavy fine; no man was allowed to enter armed into another man's dwelling; a woman who was assaulted by a man, obtained double damages, as she could not so well defend herself; the owner of a dog that had bitten a man to death, paid half the fine of manslaughter. Death was seldom inflicted, except against robbers and conspirators.

Towards the beginning of the seventh century, Columbanus, an Irish monk, the founder of the sanctuary at Iona, with his brethren Gall, Magnoald, and others, passed into France, where these pious men taught both religion and agriculture; they were, however, persecuted by Brunehaut, and were driven away from their convent at Lutzel, or Luxeuil, by her grandson Thierry, whom Columbanus had reproved for the guilt of incest. Dietbert, king of Austrasia, Thierry's brother, permitted the persecuted monks to preach the gospel among the Alemanni of Helvetia. At the place where Schaffhausen now stands, there was then a hamlet, called still by the Roman name of *Ascapha*, where boats used to land their goods and passengers, above the fall of the Rhine. Further on there was a castle, *Castrum Turegum*, on the spot now occupied by Zurich: a few more villages were scattered at long intervals about the country. Christianity had already penetrated into those regions, especially among the aboriginal or subject population; but as the missionaries advanced to the interior as far as Tuggen or Tuggenburg, near the lake of Wallenstadt, they found the inhabitants of that district still deeply plunged in heathen superstitions. To the exhortations of Columbanus, who preached to them "Jesus redeemer of the sins of man," the people of Tuggen replied that the gods of their fathers had till then bestowed fertility on their fields by means of showers in the spring, and of genial heat in the summer; and that as long as they continued thus propitious, the people could not think of forsaking them, and they went on sacrificing to their gods. Columbanus and his friend Gall, excited with indignant zeal, set fire to the temple, broke the image of Wodan to pieces, and threw the offerings into the lake. The inhabitants complained to their governors, and the

monks were sent away; Gall with Magnoald, proceeded first to Arbon, on the lake since called of Constance, and thence to a delightful, though deserted valley, near the river Sitter, where they built a cell, planted an orchard, and tilled the ground which the count of Arbon gave them. This was the origin of the famous abbey of St. Gall\*. Columbanus, with another monk, passed into Rhætia, where they founded the convent of Disentis, in the high valley of the Rhine, about the year 614. The convent of Seckingen, in the Frickthal, was founded by Fridolin, another missionary, who likewise built a chapel consecrated to St. Hilarius, in a remote valley of the Alps, near the source of the Linth, which sanctuary afterwards gave its name to the Canton of *Glarus*, a corruption of Hilarius. The Romans formerly had a station near the entrance of this valley, on the borders of Rhætia, and on the banks of the lake since called of Wallenstadt, from the German words *welsche-stadt*, "Italian town." Several villages near the lake, on the spots where the legionaries were quartered, have retained the Roman names of *terzen*, *quarten*, *quinten*. Kuprecht, another cenobite, founded a church and chapter of canons near the castle of Zurichium, in the midst of a solitary forest. Another monk raised the abbey of St. Leodegar, where Luzern now is; the latter name being probably derived from the Latin *lucerna*, a light house having existed there for the guidance of boatmen on the stormy Waldstätter lake. In the neighbourhood of these and other sanctuaries, houses were built, and hamlets grew by degrees into towns. It was only there, or in the vicinity of some nobleman's castle or tower, that any traces of agriculture and industry were to be seen. The thin, scattered population were poor, having few wants or wishes. In Burgundian Helvetia, the shores of the Leman lake afforded a somewhat more cheerful prospect; Geneva was already a town; Lausanne, Vicus Urba, now Orbe, Everdunum, were rising again from their ruins. In the Valais, the abbey of St. Maurice had been raised near the ancient Octodurum. Monks were the first restorers of cultivation and domestic industry in the deserted valleys of Switzerland.

After the death of Dagobert, A.D. 638, the kings of the Merovingian dynasty became weak and insignificant: the mayors of the palace, who were also commanders of the militia, kept them in abject tutorship. These rois fainéans, "do-nothing-kings," as they have been called, were content with the luxuries of their mansion and gardens, while the major domus managed all the affairs of state, or led the nation to war. A cession of degenerate, obscure princes passed over the stage. Some were murdered, others were immured in convents, whilst other puppets were taken from the royal stock to fill the sinecure office. This state

\* The abbey was built fifty or sixty years after the death of Gall, under the auspices of Pepin d'Heerstal, and placed under the protection of the king. Several MSS. in the abbey library, bearing the mark *Scotice scripti*, are supposed to have been written by the first Scotch or Irish monks.

of things continued for about a century. Pepin d'Heerstal, major domus to Thierry III., was succeeded in his office by his natural son Charles Martel in 715. The great qualities of Charles recommended him to the people at a time when the Saracens from Spain had penetrated as far as Burgundy, and threatened the very existence of the monarchy of the Franks; and Charles Martel defeated them in a memorable battle near Poitiers, and thus effectually stopped the advance of Islamism in Western Europe. On the other side, hordes of Huns advanced again from the east, as far as Rhætia, but were defeated near the convent of Disentis by the hardy mountaineers of that region. The Frankish dukes of Helvetia, refusing to countenance the usurpation of Charles Martel and of his son Pepin, revolted, and were defeated by Pepin, who took the title of king of France. The ducal dignity was abolished throughout Helvetia, counts were entrusted with the administration of the various provinces, subject to the inspection of the *missi camerae* or councillors of the royal chamber; and the government assumed for a time a more monarchical form.

From the death of Dagobert till the dissolution of the Merovingian dynasty, history is extremely obscure; there is hardly a chronicler of those times worthy of being consulted. We are better acquainted with the remote epoch of the first kingdom of Burgundy and the struggles of its nobles against the encroachments of absolute power, than with the times immediately preceding the elevation of Charlemagne. Under the long and successful reign of that monarch, who revived in his person the empire of the west, the regions of Helvetia shared, in common with the rest of his vast dominions, the advantages of his orderly and vigorous administration. Christianity had become the religion of all Helvetia, and its mild influence softened the manners of both the rulers and their subjects. The art of agriculture kept pace with domestic and social improvement. Common lands were divided among new settlers, and enclosed; overgrown forests were cut down, the waters restrained by dykes, and morasses restored to cultivation. The vine was planted on the hills near the lake Leman, and on the banks of the lake of Zurich. In every manor there was a house or tower built of stones, belonging to the lord; the rooms of which were warmed with stoves. The huts of the labourers, and the stables for the cattle, stood round the residence, as well as the orchard and gardens; beyond these were the corn-fields which were cultivated by the serfs. Other parts of the lord's property were scattered about the district, and cultivated by free servants or tenants. Every village or burgh had its *hof* or court of justice presided over by the mayor, who was appointed by the lord. The whole district or canton, however, assembled on particular occasions in the open air, when the freemen formed a ring, the elders having the precedence; the count opened the business, and every one de-

livered his opinion, according to rank and age; the judges then entered the ring and pronounced the verdict, which was binding both on freemen and serfs.

The dignity of count which was at first for life, became hereditary with the connivance of the crown, under the weak successors of Charlemagne, and thus all power was concentrated in the hands of a few families. The most powerful lord in the Thurgau, a province between the lakes of Zurich and of Constance, was the count of Kyburg, whose castle was not far from the Zurich lake. The count of Rapperschwyl was lord of the march\*; behind his possessions a vast, impervious forest extended for many miles, as far as the lake of Uri, and the Alps of St. Gothard. The counts of Lenzburg held vast estates in the Aargau; they had also built castles, abbeys, and villages, in the central valleys as far as the lake of Zug. The lands around Zurich were partly held of the great church and nunnery, and partly under the government of the emperor himself, whose lieutenant resided in the castle, exercised high jurisdiction, received appeals from subaltern judges, administered the lands of the imperial chamber, and superintended the roads and waters, the weights and coinage. Almost every fresh cultivator of the soil placed himself and his property, for the sake of security, under the protection of some lord or monastery, to whom he paid a fee. Hence a new source of the relation of lords and vassals†; and one which operated powerfully to extend the system of feudality. "The dukes or governors of provinces," says the French historians, "the counts or governors of towns, and the subaltern officers of the king, having rendered their offices hereditary, usurped both lands and judicial jurisdiction, they made themselves proprietors of the districts of which they were before only magistrates, they became *suzerains* of the crown lands, and received the fees from the tenants who, from being subject to the crown, became vassals of their respective lords. They filled up the benefices which had been vacated, they judged appeals from the justices of the hundreds, they exacted services of men, provisions and money: for the royal authority was substituted a baronial right in the various provinces. The whole kingdom," says Mezerai, "was held as a great fief, governing itself at will and not as a monarchy. The nobles were the great vassals of the crown; they had

\* *March* germanice *Mark*, meant originally a district, the inhabitants of which went together in a body to war, and kept *wach* or guards for their internal security in time of peace. By degrees as the country became quiet, the name was confined to frontier districts, being those which still required the exercise of the same duties. The Mark of Rapperschwyl forms now part of the Canton of Schwytz. The lord or governor of a march district was styled *markgraf*, *marchio*, *marquis*.

† *Bassi*, *vassi*, or *bassali*, were at first the tenants or servants of a lord, not villains or serfs; they could leave him according to the laws of the Franks in four cases: for having their lives threatened, being deprived of their property, for attempts against the chastity of their wives or daughters, and for being struck with a stick, a punishment considered only fit for slaves.

under them their provincial vassals, who had by subinfeudations subordinate vassals themselves. The vassals of the lords were obliged in certain cases to follow them to war, even against the king."

Freemen, however, in general preferred placing themselves under the protection of the church. They gave up their property to the Holy Virgin, or other patron saint of a convent or abbey, and received it back as a fief, paying a quit-rent. The monasteries were under royal protection, and respected both by the lords and by the people. Their tenants and dependants enjoyed under their pacific rule much greater security than those of a turbulent and warlike count. The principal towns of modern Switzerland owe their origin to the church. The abbey of Einsiedlen was built on the site of a cell where Meinrad, son of Berthold, count of Hohenzollern, had lived as a hermit, and was murdered by robbers. The abbey of Beromunster was founded in 850 by Beron count of Aargau. The convent of St. Maurice in the Valais had an extensive jurisdiction in the adjoining country. The bishop of Sion was also count or governor of the Valais. The bishop of Lausanne's diocese extended over Burgundian Helvetia, and that of the bishop of Constance embraced the country of the Alemanni. The bishop of Coire had spiritual authority over Rhetia. The influence of the bishops in temporal matters rose very high under Charlemagne's successors: even kings submitted to their decisions and bore their reproofs with patience. When the monarch had to propose a law, he first submitted it to discussion in his council, after which his chancellor communicated it to the archbishops and counts, and these again to the bishops, the abbots, and the *centum graves*, or justices of the hundred; the project of law was read before them and submitted to their approval before it received the king's sanction: *lex consensu populi fit et constitutione regis*. Laws were seldom *general*, but were adapted to the manners and localities of each province of the empire. The *centum graves* were judges in their districts, but could not deprive any one of his property or life. The counts held the provincial assizes at the head of twelve *scabini* or notables, called also *boni homines*, and by the Spaniards afterwards *ricos hombres*, who were chosen by the people. The advocate (*vogt*) of the abbot or bishop attended the assizes. Murder, arson, robbery, rape, and other capital charges, were judged by the *scabini*: they also decided matters between the vassal and his lord; even the king's domestics and serfs, *fiscales servi et ingenui*, were subject to their jurisdiction.

In the month of May, a *missus camerae*, or king's commissioner, went his circuit, and was received by the bishops, abbots, counts, viscounts, (*vicecomites*, who had the government of towns,) *centum graves*, advocates, and vicedomini of the abbeys, and by a deputation of *boni homines*, and of the vassals or tenants of the king, who assembled to receive him. He inquired of all present whether the officers did their duty, and he

degraded the scabini who had been guilty of injustice. Young men come of age took the oath of allegiance at his hands. Those vassals who neglected to pay homage had their houses occupied by the commissioner or count, or some of his suite, who lived there at the expense of the owner. There were asylums against the violence of power, but not against the authority of tribunals.

Monks were at first subject to the bishops of their diocese, who had the inspection of their property, and appointed their superiors. By degrees the abbots became independent of the bishops, as the counts had become independent of the dukes. Some convents, as that of St. Gall, redeemed themselves by a sum of money from the episcopal authority; others were emancipated by the emperors, whose policy was favourable to a subdivision of power; whilst the vast increase of property and population rendered the authority of one man no longer equal to the extent of his jurisdiction.

Such were the institutions of the empire of the Franks under Charlemagne and his immediate successors. In the division of his empire among the latter, the Helvetia of the Alemanni, which we shall call henceforth German Helvetia, fell to the share of Louis of Bavaria, called also Louis the Germanic, and afterwards continued attached to that part of the German empire called the Duchy of Suabia. Burgundian Helvetia was dependent sometimes on the kingdom of Italy, and sometimes on France, until after the death of Louis le Begue, in 879, when the monarchy fell into confusion: the Normans in the north and the Saracens in the south invaded France; the nobles, among whom Louis had parcelled the royal domains, considered themselves independent, and the royal and imperial crowns were disputed between Louis III. and Carloman. The States of Burgundy amidst this anarchy assembled at Mantaille, near Vienne; six archbishops and seventeen bishops, with the chief lay lords, determined to give up the imbecile descendants of Charlemagne, and to choose a king for themselves, according to the ancient rights of Burgundy. They invited Boson, count of Vienne and governor of Provence, a nobleman valiant, generous, and of plausible address, who had married Hermangard, a daughter of the emperor Louis II. Boson accepted the kingly office, under the condition that for three days prayers should be said in all the churches, in order to see whether his election was approved of by heaven, and whether any protests should be made against it. The three days having expired, Aurelian, archbishop of Lyons, crowned Boson king of Arles and of Burgundy. This was in 879, three centuries and a half after the extinction of the first kingdom of Burgundy, and its union with the crown of the Franks\*.

Louis III. and Carloman made war upon Boson, whom they considered as a usurper, but the two brothers having died soon after, Charles le Gros, emperor and king of France, A. D. 884, made peace

\* See page 8.

with Boson, and invested him with the crown, on the plea that Burgundy was originally a patriciate of the empire. For this reason the emperors of Germany, successors of Charles le Gros, considered themselves as suzerains of the kingdom of Burgundy. Charles le Gros, being deposed, died in 888, and Arnoul, natural son of Carloman, and grandson of Louis of Germany, was elected emperor; at his death in 898, his infant son Louis IV. succeeded him, and he also dying in 915, Conrad I. duke of Franconia was proclaimed, by which means the imperial dignity went out of the house of Charlemagne, and of France, and became elective among the Germans, and such it has continued until the renunciation of Francis II. of Austria, at the peace of Presburg in 1806, when the dignity of Emperor of Germany was finally abolished.

Boson, at his death, left his son Louis, a minor, under the guardianship of Hermangard; but during the minority the kingdom raised by Boson was parcelled into three. Rudolph count of western Helvetia, son of Conrad count of Paris, and related to the Carolingian dynasty, aimed at the throne. He assembled at St. Maurice, in the Valais, several lords and bishops, who crowned him as king Rudolph I. of *Upper Burgundy*. He was acknowledged in western Helvetia, and in the country west of the Jura, as far as the river Saone. At the same time Richard, brother of Boson, count of lower Burgundy beyond the Saone, made himself also independent of the kingdom of Arles, and became the head of the first dynasty of the dukes of Burgundy. Louis, son of Boson, continued to reign at Arles. And thus the Burgundian nation was permanently divided. Each division assumed a different character, was swayed by different interests, and lost its nationality; and, although the greater part of the former Burgundian territories were finally reunited several centuries afterwards by being merged into the kingdom of France, yet one division of them, namely, Transjurane Burgundy, consisting of Helvetia and Savoy, has remained separated and estranged from the remainder.

Rudolph, after sustaining a war against the emperor Arnoul, who came into Helvetia with an army of Germans, was induced to repair to Regensburg, (Ratisbonne,) where a general diet was held, in which the affairs of France and Burgundy were regulated. Upper or *Little Burgundy* was acknowledged as an independent kingdom, A. D. 890. Rudolph, after reigning 24 years, was succeeded by his son Rudolph II.

Meantime German Helvetia, ever since the abolition of the ducal dignity by Pepin, was governed by *missi camerae*, who resided in Suabia. Two brothers, Erchanger and Berthold, who were intrusted with this office, became jealous of Solomon, bishop of Constance and abbot of St. Gall, and lord of several other convents and domains, a man of noble family, superior learning, and high accomplishments. He had been a favourite of Arnoul and of Louis IV., the last emperor of the Carolingian race, who granted him lands from the imperial domains. After sundry



vexatious charges, from which the prelate came out triumphant, the two brothers took Solomon prisoner, but the bishop's reputation stood so high that the country rose in his favour; he was released, and the two commissioners, being arraigned for sacrilege before a court of Suabian nobles, were condemned to death and executed. Burkard, count of Thurgau, was the principal instigator of this severe sentence. Soon after, Burkard himself, was made, by the emperor Conrad, with the consent of the nobles of the province, duke of Alemannia, called also by some of Suabia, which government included German Helvetia. Burkard quarrelled with Rudolph II. of Burgundy about the frontier district of Aargau; but peace was re-established between them, and Rudolph married Burkard's daughter. The river Reuss seems to have marked the limits between the two states. Rudolph was then called into Italy by a party of lords of that country, who were dissatisfied with their king Berengarius, and a battle was fought at Firenzuola, near the river Ticino, in which the Burgundians were victorious. Berengarius escaped, but was afterwards treacherously murdered at Verona. Hugo count of Provence, who had expelled Boson's grandson from his little kingdom of Arles, started as rival to Rudolph for the crown of Italy. Rudolph called to his assistance Burkard, his father-in-law: the old warrior came, but, being over-confident in his contempt for his Italian enemies, he was killed near Milan. Rudolph then returned to his own dominions, which the emperor Henry I. enlarged by part of German Helvetia, detached from the dukedom of Alemannia; and for this Rudolph did homage to the empire. Hugo of Provence died soon afterwards, and the Burgundians of both parties were finally expelled from Italy. It appears that the Italians had conceived great aversion to the whole nation, on account of their excessive eating and drinking, and because the Burgundian voices sounded too rude for Italian ears! The Burgundians had also the reputation of being thick-headed and dull; they are styled by some writers the Bœotians of those times, a reputation which their descendants in some parts of western Switzerland have retained, in a certain measure, to this day, under the gentler appellation of *bonhomme*. Muller remarks that the Burgundian convents produced no eminent men; different in this from those of St. Gall, Muri, and others of German Helvetia.

After the death of Rudolph II., in 937, Otho I., emperor of Germany, came into Burgundy and took away Conrad, Rudolph's son, who was still a minor, in order to have him brought up under his own eyes. Meantime Bertha, Rudolph's widow, governed the kingdom. Conrad, having become of age, was restored by Otho to his dominions; the emperor married Conrad's sister, Adelaide Queen of Italy. In Conrad's reign another irruption took place of the Hungri or Madjars, called by some Turci, who had some years before overrun Italy and Rhætia; they afterwards penetrated into western Helvetia. This fearful scourge was

the occasion of the town being first surrounded by walls and ditches, that they might afford protection to the inhabitants as well as to the country people. At the same time the emperors, and especially Henry I., bestowed privileges and franchises on the burghers of towns, and thus created municipal bodies independent of the nobility. This was a step most important in its consequences, which will be adverted to more fully hereafter.

Conrad defeated the Madjars, as well as some bands of Saracens\*, who had found their way to the valleys of the Jura, by opposing the barbarians to each other, and deluding each party with the expectation of his assistance against the other. While the wandering hostile hordes were fast engaged in combat, Conrad fell upon both and destroyed them. After this he reigned long and in peace. Under him Helvetia continued to improve; agriculture and human habitations spread around. The Oechtland, a region extending from the lakes of Neuchâtel and Bienne to the Aar, was still, however, covered with marshes and forests. Part of it belonged to the royal domain, and part to the counts of Wechtigen, who had also the castle of Novocastrum (Neuchâtel), from which their descendants afterwards took their title. This family also bestowed extensive lands at the foot of the Jura mountains, in the country of the Rauraci, on the bishopric of Basel. The emperors, on their side, granted to the same see mines of silver in the Brisgau, and hunting-tracts of land along the Rhine. Such was the origin of the dominions of the bishops of Basle, which in after-times became an independent state allied to Switzerland.

Gontram count of Alsace, a nobleman of high descent and connexions, having opposed the power of the emperor Otho, was deprived of his tenures, and found himself reduced to his patrimonial estate in Helvetia, near the ruins of Vindonissa. Conrad, king of Burgundy, deprived him also of his priory of Moutiers Grandval, and of the district of Erguel, which had been bestowed on his family by Rudolph II. On this occasion it was decided, in a public assembly of the nobles and clergy, that "a royal and free priory could not be bestowed on laymen." Gontram, thus humbled in his fortunes, retired to Wolen, in Aargau, near the Reuss. There he still enjoyed much consideration

\* There is much obscurity in the old accounts of these Saracen predatory bands. It ought to be observed that it was then a common misnomer to call the Saracens *Pagani*, and this error has prevailed among Italian writers of a much later age; on the other hand, the Hungarians have been mistaken sometimes for Saracens. Ekkehard notices this: *Qui Ungros Agarenos putant, longa via errant*. Real Saracens, however, had settled themselves at Fressiento, among the maritime Alps, from which they made incursions into the valleys of Piedmont and even of Savoy.

† The practice of granting priories and abbacies in *commendam* to bishops and also to laymen was then in full vigour. The grantee enjoyed the principal part of the revenues, leaving a pittance for the maintenance of the monks, over whom he appointed a substitute. The emperor Louis II. gave, in 860, the monastery of Santa Julia, of Brescia, to his daughter Gisla, with the faculty of administering and enjoying its revenues for life.

among his tenants and neighbours, and several freeholders placed themselves and their properties, according to the custom of the times, under his protection, by paying him a small fee, or quit-rent. When Gontram's fields were to be tilled, or the harvest was to be reaped, they assisted him also of their own good will. But by degrees Gontram exacted these services as a duty, and he also imposed, of his own will, a contribution of poultry. The country-people carried their complaints to the king, who happened to be then at the convent of St. Urs (Soleure) but they could not approach him through the nobles by whom he was surrounded, and who already looked down upon simple freemen as plebeians. From that moment the count and his son Lancelin grew bolder in their exactions: Lancelin dealt by the free peasants of Muri, a neighbouring district, as his father had done by those of Wolen; new duties were imposed on them, and the vassals or tenants were treated as if they were serfs. Those who did not quietly submit to the rapacity of the count and of his son were deprived of their fields and cottages. This was towards the end of the reign of Conrad, a weak and indolent prince. Under him, and still more under his son Rudolph III., the nobles knew no check to their caprice. Count Lancelin, after his father's death, resided at the castle of Altenburg, near the Aar. When he was on his death-bed, about the year 990, those whom he had oppressed at Muri, among whom were two nuns, came to him to reclaim their property. Radbod, Lancelin's son, drove them away with scorn; he afterwards built a castle at Muri for his residence. Radbod married Idda, the daughter of the duke Frederic of Lotharingia\*, or Lorraine, and niece to Hugh Capet, the founder of the third dynasty of French kings. Radbod gave Muri as a dowry to his wife, who shuddered with horror when she heard on the spot the tales of the injustice and cruelty which her father-in-law and her husband had been guilty of against the poor inhabitants, in order to extort their property from them. But the victims were by this time either dead or wanderers in foreign lands. Idda, by the advice of the bishop of Strasburg, thought of making some reparation, according to the ideas of those times, by building a convent at Muri, in the raising of which four hundred men were employed. The abbey of Muri became rich with donations, and flourished in learning, and it has continued to our days one of the most considerable in Switzerland. Radbod, about the year 1020, built another castle on a steep hill, called Wulpelsberg, which rises above the Aar, near the site of ancient Vindonissa. This castle was called Habsburg, from *habs, terra aviaticæ*†, being built on an estate or patrimony hereditary in the family. From that time the counts of Altenburg took the title of counts of Habsburg. The

\* So called from Lotharius, son of the emperor of the same name, and who was made king of that country after his father's death.

† The *v* was often changed into *b*; *Avius, Abiaticus*; see Ducange. The above is Muller's opinion.

castle was small, being proportionate to the size of the estate; it was, however, strong by its position and well fortified. Werner, bishop of Strasburg, and Radbod's relative, who had advanced some money for the construction, having come to see the new residence, was mortified at its diminutive proportions. Radbod, who had employed the money in securing the friendship of the neighbouring freeholders, who swore an inviolable attachment to his family, collected a number of them in the night, and, when the bishop rose next morning and saw this multitude in arms, he appeared uneasy; but Radbod said to him, "With your money I have raised these *living walls*; valiant and faithful men like these are the safest of all castles." Such were the humble beginnings of the house of Habsburg, which has risen since to so high a degree of power and greatness; but of its fortunes, and the influence it exercised over the destinies of Switzerland, there will be ample occasion to speak in the sequel of this history.

The abbot of Muri gave the peasants who came to settle on its domains a hut, a plough, a cart and four oxen, a sow and two young pigs, a cock and two hens, a scythe and axe, and seeds of hemp, millet, oats, beans, peas, and turnips. Their services were likewise defined: each settler was obliged to labour in spring and autumn four acres of the abbey lands, to act as letter-carriers and messengers for the monks as far as the Aar and the Reuss, to fetch wine from Brigau and Alsace, to lodge guests of the abbey three times a-year, and to watch one night, for a glass of beer and half a loaf. The contributions they had to furnish in cloth, cattle, and other produce, were also determined.

The town of Zurich had become the depôt of an extensive commerce between Italy and Germany, by the road which crosses Mount Septimer in Rhætia and the valley of Misox, and over Mount Cenere into Lombardy. As early as the tenth century we find Zurich styled *civitas et colonia imperatorum*. This was at the time when Henry I. ordered the towns to be surrounded by walls and ditches, in order to defend them against the frequent irruptions of the Hungarians. He appointed at the same time markgrafs, *marchiones*, on the neglected frontiers; whilst at the head of his Germans he defeated the Hungarians, and checked their fearful advance upon western Europe. To the towns and ancient Roman colonics which still existed he gave charters; he ordered that the ninth part of the armed men of the Banlieue should live within the walls, and that one third of the harvests should be kept therein. He gave them other privileges; he was, in short, the founder of the bourgeoisie, or third estate. By degrees the artisans in the towns excelled those of the country, for in the latter the same family did all kinds of work themselves; they spun, wove, &c.; whilst in the towns the division of labour was first practised, and every workman followed a particular branch of trade, which he continued all his life. At last the peasants confined themselves to the works of the field, and came to the

towns to purchase other things they wanted, with the surplus of their produce. The exchange between town and country became thus regular, and days were fixed for markets and fairs. Agriculture and handicraft, being thus mutually encouraged, soon afforded a surplus for speculation and extended commerce with foreign countries. The emperors established at Zurich tribunals and consulships for the Lombards and other nations who traded on that road. Innkeepers, tradespeople, artisans, packers, custom-house officers, and others, crowded into the town. Zurich became the capital of all Thurgau, or northern Helvetia.

The abbot of St. Gall established a market at Roschach near the limits between Helvetia and Rætia. Athelstan, king of England, sent an embassy to St. Gall, and concluded an alliance with the abbey by means of bishop Keonwald. The abbey was then at the height of its splendour; its friendship was sought by lords and sovereigns. Singing, versification, and calligraphy, were particularly attended to in its school, and its reputation in music has been maintained till latter days. Ekkard, who died in 996, was one of the most learned men the abbey produced. He was a great favourite with Hedwige, duchess of Suabia, a lady versed in classical literature. After her death the emperor Henry II. bestowed her abbey of Hohenwiel and Stein on the bishop of Bamberg. He granted to the serfs of the bishop and of the abbot the right of marrying and living together in families, for before that, as in the former ages of Rome, that degraded race had not the rights of connubia, but lived promiscuously like the animals of the field. This was the first great step towards emancipation. Seven other abbeys of Thurgau, among which were the chapter of Zurich, St. Gall, Einsiedlen, Seckingen, and Reichenau, granted to their serfs the connubial rights, as well as the right of inheriting property; but others refused to follow the example. With regard to forced services or *corvées*, they were few and definite, and might be redeemed at a small cost, the price of a day's labour being very low.

The nobles, seeing their vassals thriving and rich, attempted to increase the fees and dues which the latter paid; but the freemen of Thurgau opposed their pretensions, and this was the first time in the history of modern Helvetia that we find the people employing force against the abuse of power. The commons of Thurgau marched under the orders of Henry of Stein; some of the lower nobility, *milites simplices*, distinguished from *domini servitiales*, joined the popular side; they were worsted, but their resistance proved an effectual warning to the high nobility. Several abbeys, among others Einsiedlen, took part with the nobles, by whom they had been enriched, against the people, "not reflecting," as Muller observes, "that a single irreligious prince could strip them in one day of all their wealth."

The canton of Glarus was inhabited by serfs of the abbey of Seckingen, by strangers who farmed lands of the abbey, and a few freeholders.

Twelve noble families were bound to military service for the abbey, 34 more paid a small fee. The mayor appointed by the abbey elected the judges, from whose sentences the appeal lay to the lady abbess, who was looked upon as a mother by the people. Capital punishment could be inflicted only by the emperor, to whom 200 livres were paid every year at Martinmas. The tenants paid fixed rents in proportion to the produce of their lands. The judicial fines, called *fredum*, also went to the abbey, and this was a great source of seignorial revenue. The mayors of Glarus remained for 300 years in the family of Tschudi, one of the most ancient in Switzerland, which has since given seventeen landamans to their canton, produced many warriors, and the oldest historian of the Helvetic confederacy. Some say the Tschudis were originally descended from a Scythian slave freed by the emperor Louis IV., who publicly took a denier from his hand as the price of his emancipation. The serfs of the sovereign were considered nearly as equal to freemen.

Conrad having died after a reign of 57 years, the states of the kingdom of Upper Burgundy assembled at Lausanne, and chose his son Rudolph III., A.D. 993. He was a weak and capricious prince; and, having deprived a noble of his patrimony, the nobility assembled, gave him battle, and defeated him. His aunt the empress Adelaide, daughter of queen Bertha, and widow of Otho the Great, was the means of saving him through the respect which her virtues inspired. But Rudolph did not regain the confidence of his subjects; and, his estates being badly administered, he became poor and distressed. Having no male issue he looked for support to the Emperor Henry II., whom he declared his heir in 1010, sending him the spear and the ring of St. Maurice, which were the insignia of investiture. Eudes count of Champagne, nephew to Rudolph; the count of Poitiers, a relative of the king of Arles; and the count of Besançon, opposed this cession, which was contrary to the ancient usage of electing their own kings, which the Burgundians claimed as their right. Rudolph fled to Strasburg with Hermangard his wife, in 1016, and finally gave up Burgundy to the emperor. The Burgundians refused obedience. Henry marched troops into Helvetia under the command of Werner bishop of Strasburg, and Radbod of Habsburg. The kingdom of Upper Burgundy was composed of heterogeneous races; it was divided between Germans and Burgundians, between German and Romance languages. The Aargau, the Oberland, and other districts, were essentially Germans, and therefore sympathized with their countrymen of the empire; whilst the Waadt, since called the Pays de Vaud, Geneva, and Neuchâtel, were connected with Burgundian France. This distinction, with its attendant differences of language, character, and sympathies, has perpetuated itself to this day. Werner crossed the Oechtland, and met the Burgundians, commanded by the count of Poitiers, near the lake Lemán. The Burgundians were defeated and obliged to swear fidelity to the emperor. Henry, however, died without

heirs, and before his cousin Rudolph, in the year 1024. Conrad duke of Franconia, called the Salic, was elected emperor. The Burgundians were unwilling to swear allegiance to him. Conrad founded his claim not so much on his connexion with Rudolph, whose niece he had married, and on the latter's renunciation, as on the investiture granted by the emperor Charles le Gros to Boson, first king of the second kingdom of Burgundy. But the Burgundians replied that they were a free people, called into the country by the Romans, and admitted by the indigenous Gauls to a share of their lands, and that they had ever since chosen their own kings. Meantime, Rudolph III., styled *ignavus*, having died in 1032, Conrad, after some resistance, remained in possession of Helvetia, or Upper Burgundy, having received the homage of Hermengard, Rudolph's widow, and of Humbert count of Maurienne, and of a multitude of Burgundian lords, and was crowned at Geneva, after all the ancient forms of election had been observed. Thus ended the second kingdom of Burgundy, about a century and a half after Boson and Rudolph had wrested its provinces from the Carolingian Franks\*. Eudes of Champagne, the pretender to the throne, being killed in battle in 1036, Conrad assembled a diet of the Burgundian nobility at Soleure, a town which was already thriving under the protection of the chapter of St. Urs; and the Burgundian nobles chose Conrad's son Henry for their king. Henceforth the history of all Helvetia becomes closely connected with that of the German empire.

Henry III., emperor of Germany, king of Burgundy and of Lombardy, united under his sceptre the three divisions of Helvetia,—that of the Alemanni, which was already subject to the German empire, that of the Burgundians, and Rætia, which was still considered as a dependency of Northern Italy. Under his rule, as under that of his father Conrad, the country enjoyed order and peace. Castles, convents, and farms, spread all over Helvetia; inns grew into villages; and families multiplied into parishes. Individual liberty was respected, the sovereign protected all men equally; lords, burghers, and cultivators alike enjoyed the rights of their respective stations.

It was under Henry IV. that the disputes between the emperors and the popes, which for ages distracted both Germany and Italy, began. Gregory VII., the haughty Hildebrand, effected a complete separation of the clergy from the rest of the people, by enforcing celibacy among the priests. He also forbade them to receive livings and preferments from laymen—a result of Henry IV.'s scandalous practice of selling livings. He also was the first who maintained that the pope had a right to dethrone the emperors, and release their subjects from their oath of fidelity. The council held at Rome in 1075, while it tended to repress the corruptions of churchmen and the venality of the emperors, went at the same time to establish the supremacy of the popes above every

\* See page 18, towards the end.

other power. The pope denied to the emperor the right of investiture to bishoprics and abbaties. Henry boldly resisted the pretensions of Rome, and in a diet held at Worms, to which many German bishops and abbots repaired, Gregory VII. was declared to be a usurper of the tiara, and was anathematized. Gregory in his turn excommunicated Henry, and released his subjects from their oaths of fidelity. It is a remarkable fact, which shows the confusion of ideas in those times, that while councils of churchmen pretended to interfere in temporal affairs of state, diets of laymen assumed a right to dictate in matters of church discipline. Thus an extravagant and unjust assumption of one party provokes another as absurd and outrageous from the opposite quarter.

Helvetia was distracted, as well as Germany, by the effects of the schism. Burkard, bishop of Lausanne, who was married, *uxorem legitimam habuit*, says the "Chartularium" of Lausanne, the bishop of Sion, chancellor of Burgundy, Otho bishop of Constance, and the bishop of Basle, were on the emperor's side. The bishop of Lausanne sold eleven farms belonging to his see, and armed his serfs in favour of his sovereign. Henry bishop of Coire, was for the pope, although Rætia in general stood by the emperor, and this induced Welf, or Guelph, duke of Bavaria, to ravage the fine valley of Engadina with fire and sword. Berthold of Zäringen, a Suabian nobleman, who had been deprived by Henry of the duchy of Carinthia, and Rudolph of Rhinfeld, duke of Suabia, whose ambition aspired to the empire, reconciled their private feuds, and, taking up arms against the emperor, were followed by the counts of Kyburg, and by the town of Zurich. The emperor's party prevailed in western or Burgundian Helvetia; Rudolph's in the German part of the country. The emperor, wishing to reward the fidelity of the bishop of Constance, gave him the administration of all the fiefs which Rudolph possessed in Roman or Burgundian Helvetia. The warlike bishop soon afterwards died in battle with arms in his hands. Berthold of Carinthia, on his side, ravaged the possessions of the bishop of Basle. He also, in concert with Guelph, duke of Bavaria, attacked Ulrich, abbot of St. Gall, who had taken the emperor's part. The abbot, being hard pressed, pledged the ornaments of the church to carry on the war; but at last, seeing the calamities that fell upon his vassals, he abandoned his convent, and concealed himself for two years; and the monks, in imitation of their abbot's example, dispersed among the Alps. After the defeat of Rudolph by the emperor, the abbot of St. Gall reappeared and resumed his jurisdiction. Excommunicated by the pope, surrounded by powerful enemies, yet strong in the attachment of his vassals, he governed his abbey, together with its vast possessions in the mountains of Appenzell\*, for forty-six years, from 1071 to 1117, and never forsook the cause of the emperor or sued for peace. On the other hand, he was never the first to commence fresh hostilities, nor sought, like

\* *Abten Zell*, "the abbot's cell," from which is derived the name of the canton.



other bishops, to enrich his abbey or his family with the property of other lords.

After the death of Rudolph, who was killed at the decisive battle of Mersburg, in 1080, the duchy of Suabia, or Alemannia, was contested between his son Berthold of Rhinfeld, who had married a daughter of the duke of Zähringen, and Frederic of Hohenstauffen, son-in-law to the emperor Henry. Berthold died in 1090, and left all his possessions and claims to his brother-in-law Berthold of Zähringen, to whom the lords of Suabia, assembled at Ulm, swore fidelity, and were supported by Guelf, duke of Bavaria, whose dominions extended as far as Hungary. But Berthold of Zähringen, weary of the difficulties and calamities of the long-protracted struggle, made a voluntary sacrifice of his rights; he repaired to Mainz, where a general diet of the empire was assembled, and there surrendered his claims to the ducal dignity in favour of Frederic of Hohenstauffen, A.D. 1097. Henry, in return, bestowed on Berthold the office of imperial *kastvogt*, or warden over the town, chapter, and district of Zurich, thus detaching that part of Helvetia from the duchy of Suabia properly so called. From this epoch the beneficent administration of the house of Zähringen began, and it was afterwards extended over all Helvetia.

Henry V., successor to Henry IV., having died in 1125, Lotharius, duke of Saxony was elected in his place. Renaud, count of Burgundy, refused homage to the new emperor, alleging that, by the extinction of Conrad's line in Henry V., last emperor of the house of Franconia, the crown of Burgundy had become vacant, and the people were restored to their right of choosing a king in a new family. Having absented himself from the general diet held at Spire, he was put to the ban of the empire, and Lotharius appointed Conrad of Zähringen, son of Berthold, landgraf and imperial rector of Burgundy, with orders to carry on the war against Renaud. Conrad crossed the Aar, at the head of a powerful host, defeated Renaud, and took him prisoner. Renaud, having appeared before the diet, and made his submission, was allowed to retain the government of the country west of the Jura\*, but lost his jurisdiction in Helvetia, which was henceforth governed by the dukes of Zähringen. After Lotharius' death, Conrad of Hohenstauffen was elected emperor, to the exclusion of Henry "the proud," duke of Bavaria and of Saxony. The duke of Zähringen, having espoused the cause of the latter, was attacked by Frederic, Conrad's nephew, and constrained to do homage to the emperor, who graciously confirmed him in his jurisdiction.

Conrad died in 1152, and his nephew Frederic, called Barbarossa from the colour of his beard, was proclaimed emperor. He married Beatrice, daughter of Renaud, and heiress of Franche Comté. The new

\* *Franche Comté, liberus comitatus*, so called because its court was independent of the ducal jurisdiction.

monarch wisely confirmed, and even enlarged, the jurisdiction of Berthold IV., duke of Zähringen, by appointing him imperial *vogt* or warden to the three bishoprics of Lausanne, Geneva, and Sion. A long contest, however, ensued with Landri, bishop of Lausanne, who appointed another warden, and appealed, at the same time, to the pope. At last the duke of Zähringen was acknowledged by the bishop in 1178. The see of Lausanne was then rich and powerful; its farms extended along the shores of the lake, and towers were built to protect them. The city of Lausanne itself was fortified. The chapter constituted a court of justice in all matters concerning the vassals and serfs of the canons. The duke of Zähringen, either through policy or interest, gave up his avouerie or wardenship of the see of Geneva to Aymon, count of Genevois, who held a considerable tract of country on both sides of the lake. The bishop opposed the count's jurisdiction in the city and castles of his see. At last the emperor was appealed to, and acknowledged the bishop as prince of Geneva, under the immediate authority of the empire. Geneva thus became an imperial town.

The bishopric of Sion, after remaining for a time under the jurisdiction of the counts of Savoy, with the consent of the dukes of Zähringen, obtained in 1189, the same privilege as that of Geneva, of being placed under the immediate jurisdiction of the empire. The lands of the Wallis or Valais (*vallis Agerana*) were cleared and brought into cultivation, as far as the sources of the Rhone, by noblemen and freemen from Burgundy. These settlers met in their advance over the Grimsel Alps, on the side of the Ober-hasli, with other pioneers from the country of Zurich, who had pushed their settlements as far as the Engelberg and Mount Brunig. The barons of Thurn, who had emigrated from Dauphiny and resided at Gestelenburg in the Upper Valais, were the most powerful lords of that district: they held themselves independent of the bishop of Sion, and even interfered with the exercise of his jurisdiction, which extended not only to chattels, but to lands and to offences; the bishops had also the command of the militia, and the collection of the fees and duties both annual and extraordinary. In a convention of the assembled lords of the Valais is found the following passage which is characteristic of the times: "Whereas the Baron de Thurn has caused travellers who have refused to pay the tolls and duties exacted by his collectors, to be assassinated on the high roads, the bishop of Sion shall give in future an escort to passengers for their security."

In the towns which enjoyed imperial charters the elective principle prevailed, and the hereditary prerogative of the dukes and counts was very limited. Geneva, having rejected the jurisdiction of the counts of Genevois, placed itself under that of its own bishops, who were elected by the clergy and people, and whose authority rested mainly on the good will of the burgesses. At Zurich, too, where the duke of Zähringen was imperial governor over the *regii fiscalini* or free vassals of the empire,

including the religious houses in the city, the burgesses had the right of appointing their own avoyers to watch any encroachment on the part of the governor. The canons of the *Gross Munster*, or great church, elected their own provost. The abbess of the *Fraumunster*, or nunnery, appointed her avoyer to judge of causes merely civil. Criminal cases were brought before the governor and decided by eight burgesses and four knights or councillors, elected for four months. Judgment was rendered "according to written law, and after precedents sanctioned by wise men."

In their landgraviat of Burgundy along the banks of the Aar the dukes of Züringen had more substantial power; they held great part of the country as their own domain, and governed the rest as imperial rectors. They presided at the provincial diets, or, seated under an ancient oak near the high road, they gave judgment in capital cases and on appeals. They had the command of the armed force, furnished escort to travellers, received tolls and fines, granted the investiture of fiefs and tenures, coined money, and had the right of cutting timber in the forests. That part of the country called the Oechtland, which answers to the central parts of the present cantons of Bern, and Freyburg, had fewer great lordships than the other part of Helvetia. The inhabitants were chiefly old settlers, hereditary proprietors of moderate estates, whose ancestors had explored and cleared the wilderness. The counts of Gruyere in the south, and those of Neuchatel to the west, were the most powerful lords in the neighbourhood. Berthold IV. of Züringen in 1178 built the town of Freyburg (*free town*) on a steep hill above the river Saane, as a stronghold and place of security for the freemen and others of the surrounding country against their more powerful neighbours. Whilst building the walls, the colonists were obliged to hire mercenary soldiers, in order to protect themselves and their works. A number of inferior noblemen inscribed their names among the burgesses of the new town; but from the first they made a distinction between themselves and their plebeian co-burgers, the appellations of *burgenses majores* and *minores*, were registered in the very first documents of Freyburg, and inequality of rank was there coeval with liberty\*. Freyburg soon rose into importance, and the neighbouring country was cultivated with remarkable care. The lords and peasants for three leagues around joined the rising community; town and country formed but one society, administered by an avoyer elected every year by all the burghers. In the same

\* The nobles of Freyburg demanded, and obtained from the bishop of Lausanne, the privilege of being buried in particular monasteries of the neighbourhood, apart from the other inhabitants. It is a remarkable fact, that, after the lapse of six centuries and a half, Freyburg has retained, till our own time, the characteristic spirit of its first founders, as the most aristocratic city in Switzerland. The diversity of language, originating in its being peopled by Burgundian and German settlers, has also been maintained to this day,—one part of the town speaking French, and the other German.

manner Berthold IV. enclosed the towns of Moudon and Berthoud (the latter of which took his own name) and other places, all of which were under his own protection and paid him ducs.

The love of peace, order, and security, contributed to people the towns. There municipal freedom existed: the lawsuits of citizens were brought before twelve councillors chosen from among themselves\*, and presided over by an avoyer, (*scheltheiss*), who was elected for one year. As hereditary governors, the dukes of Züringen received a *census* on every house, and a duty on goods, as well as tolls on the roads and bridges: they also inherited one-third of the property of any person dying, provided no heirs had been declared within one year after the death. No citizen could be summoned before the judges of any other court than his own, and no foreign witnesses could be brought against him. None of the duke's servants could be witnesses against a burgher. In doubtful cases it was not the duke who decided, but either appeal of battle was resorted to, or the case was carried before the court of Cologne, whose jurisprudence had been the model of the laws given to the towns by the dukes of Züringen. After the death of a citizen his estate went to his widow. Orphans were under the protection of the town, who appointed guardians. The councillors and burgesses fixed the price of bread, wine, and meat. Any inhabitant of a town was at liberty to leave it when he chose. Many serfs sought an asylum in the towns, and, *if not claimed within the year by their lord, who was obliged to prove their condition by seven witnesses from among his relatives, they were considered free*. In urgent cases which concerned the whole community, the burgesses taxed themselves. If requested to accompany the duke, as an escort, or for other purposes, they had the option of going no farther than a distance from which they could return at night and sleep in their houses. Their houses were, in fact, the security the duke had for their fidelity.

The love of liberty nourished by the inhabitants of the towns was circumscribed to themselves; their sympathy embraced only their immediate neighbours. Whatever was out of the pale of the community was either openly hostile or suspected.

Berthold IV. died in 1185, and his son Berthold V. succeeded him, and followed his steps. The house of Züringen pursued a regular system in promoting the building of towns, which thus formed an important addition to its own possession, whilst they resisted their turbulent and ambitious neighbours. The great lords of the Alps and of Burgundy, jealous of the increasing influence and power of the duke of Züringen, rose against

\* The word  *pares*, peers, did not mean in Helvetia persons of the same profession, trade, or condition, in which case professional jealousy or ignorance might defeat the ends of justice, but persons enjoying the same rights and privileges which were alike to all freemen of towns.

him, but were defeated in 1190, between Payerne and Avenches, and next year in the valley of Grindelwald. Berthold, faithful to his liege lord the emperor, was looking out for a spot at an equal distance from either of his enemies, and in the centre of the Oechtland, on which to build a more important town than any yet raised by his predecessors; and this town he intended as a defence to the lands belonging to the empire against the encroachments of the feudal noblemen, who, availing themselves of the absence of their sovereign, had usurped the rights of the crown. He fixed on a steep peninsula, formed by a curve of the foaming Aar, having a forest at the back, and a vast extent of meadow-land in front. He directed Cuno of Bubenbergr to enclose this spot in 1191. The first enclosure was afterwards enlarged at different epochs. The new city was called Bern, some say from *bär*, "a bear," Berthold having killed one of those animals while hunting near this spot; others from a Celtic word, signifying a place where justice is administered. A number of noblemen, among others D'Erlach, of an ancient Burgundian family, the lord of Egerden, and that of Muhlen, and many more whose names have since become extinct, went to reside in the new city, built houses, and even whole streets. Bern was placed under the direct protection of the empire, a free, imperial town, and no family, however noble, exercised any dominion over it, or in it. It was from its birth a commonwealth of free, independent gentlemen. An avoyer, assisted by two councils, one of twelve, and another of fifty, had the administration of public affairs. The secondary nobles of the neighbourhood sought its alliance against the oppression of the counts, and served under its banner. The city took up their private quarrels, and by so doing, and by the constant use of arms in an age when the sword was the great public law, it extended its jurisdiction, and became powerful and respected. The emperor Henry VI., in 1198, wrote a letter to the city, placing the convent of Interlaken under its protection, and Frederic II. afterwards bestowed on it considerable privileges in the Golden Bull, dated Frankfort, May, 1218. The regulations contained in the latter document have served as the foundation of the civil laws of Bern till the present time. Several substantial burgher families from Zurich and Friburg in Brisgau, came to settle at Bern, and brought with them the arts of industry. A number of artisans also resorted thither.

Berthold V. had by his wise and just conduct acquired such a reputation all over the empire, that at the death of Henry VI. in 1198, several states of Germany offered him the imperial crown: but he declined the dangerous gift, and preferred his humbler, but still splendid jurisdiction, over his native land, in the midst of his hereditary possessions, where he lived for twenty years longer, respected by all; formidable to the great, whom he kept effectually in check, and cherished by the towns whose freedom he had established and supported. By his

death the office of rector of Burgundy ceased, and all Helvetia became again annexed to the German Empire.

There were, besides Zurich and Bern, three other imperial towns in Helvetia; these were Soleure, Basle, and Schaffhausen. The town of Soleure, Solothurn in German, which adjoined the chapter of St. Urs, had obtained already, under Rudolph, last king of Burgundy, the right of electing its own magistrates, which was confirmed by the emperors; in whose hands the *jus gladii*, and the appointment of the avoyer remained. These last rights of supremacy were mortgaged by Henry VII. to the counts of Bucheck, who held an important office under the chapter of St. Urs, and who ultimately ceded them to the town itself. The neighbourhood of Soleure and Bern, and their common interests, made them close allies, and the rights of bourgeoisie, or the freedom of both, were enjoyed in common by the burghers of each.

The city of Basle, *gallice* Basle, was at first under the jurisdiction of the bishops, and afterwards of the emperors. The burghers were divided into classes according to their respective trades, as was the case in Zurich and most free cities at that time. All was corporation, a circle within a circle, every trade had its privileges, its laws, its magistrate or provost, its banner, and its guard. "There was this difference," says Müller, "between these republics and that of infant Rome, that in the latter the agricultural part of the population, whose habits were warlike, had the ascendancy, whilst most of the republics of Helvetia in the middle ages were essentially commercial, inclined to peace, and free from ambition, at least beyond the precincts of their respective districts." Bern was, perhaps, the principal exception to this rule, its population consisting chiefly of free nobles and landholders, and not of traders. At Basle four knights and eight notables, chosen among old burgher families, and twelve deputies, elected by the trades, formed the sovereign council, which was renewed every year; the bishop confirmed the appointment of the burgomaster. Basle became early, next to Zurich, the most wealthy and flourishing city in Helvetia.

Schaffhausen, a mere hamlet of boatmen, grew by degrees into a town, at first under the jurisdiction of the wealthy neighbouring abbey of "All Saints," of which it afterwards freed itself, and was admitted to the rank and privileges of a free imperial town. Bienne or Biel was also at one time an imperial town, the counts of Neuchâtel being its avoyers, but it lost its independence afterwards, and fell under the domination of the bishops of Basle.

The house of Savoy had considerably extended its possessions in southern Helvetia. Humbert "of the white hands," count of Maurienne, the founder of his dynasty, had received from the emperor Conrad II. the Chablais, or the southern coast of the Lemane, with the lower Valais, the country round the northern shore as far as Vevai, and the *Provincia Equestris*, which extended along the other, or western side of the lake,

from Geneva to Rolle. The name of *pagus equestris* was taken from Noviodunum, now Nyon, which is marked in the Roman itineraries as *Colonia equestris*. The emperor Philip, in 1207, gave Thomas, count of Savoy, the castle of Moudon and all its appurtenances; Frederic II. passing through Turin in 1238, and being well received by Amadeus IV. recognised him as duke of Chablais. The counts of Gruyère paid homage to the more powerful counts of Savoy, and the bishops of Lausanne gave them several towns and castles of their dependence, and even one half of the revenues and rights of Lausanne itself; thus the counts of Savoy by degrees became possessed of the greater part of the barony of Vaud, as far as Morat and Yverdon.

The counts of Neuchâtel were also great feudatories of the empire. They were possessed of the counties of Neuchâtel, Valengin, and Nidau; the Nucerol, or country round the lake of Bienné; and the castle of Aarberg.

In northern Helvetia the counts of Toggenburg were possessed of the provinces of that name, as well as of Uznach, and of several districts in Rætia. The counts of Werdenberg held the Rheintal and the county of Sargans. There were besides numerous other counts, though not so powerful as the above, both in Helvetia and in Rætia, all of whom had a great number of sub-feudatories. The old chronicles enumerate fifty counts, one hundred and fifty barons, and more than a thousand noble families, scattered all over the country.

The house of Kyburg, one of the most powerful in all Helvetia, had, besides its own possessions in Thurgau, acquired by marriage the extensive domains of the extinct house of Lenzburg, in Aargau, and the country of Zug. Ulrich of Kyburg married Anne, sister to Berthold V., last duke of Züringen. By the death of the latter without issue in 1218, the whole rich inheritance of the house of Züringen fell into the house of Kyburg, including the counties of Thun, of Berthoud, the town of Freyburg, and the landgraviate of Burgundy. Ulrich and Anne left two sons and a daughter; Hedwige, the latter, married Albert, count of Habsburg, by whom she had Rudolph, afterwards emperor, and head of the house of Austria. By this marriage, and the subsequent death, in 1264, of Hedwige's brother, Hartmann of Kyburg, called "the old," whose estates were left to his nephew Rudolph, the paramount greatness of the house of Habsburg was established in Helvetia. That house was possessed already of part of Aargau, and of the wardenship of Bipp, Falkenstein, Bechburg, Olten, and Soleure. Rudolph of Habsburg now inherited the bulk of the united patrimonies of the houses of Lenzburg, Kyburg, and Züringen, in which splendid inheritance were included the greater part of Thurgau, Zurichgau, Oechtland, Zug, the towns of Sursee, Sempach, and Winterthur, the counties of Baden and Lenzburg, in Aargau, the wardenship of the convent of Seckingen and Glaris, and the Landgraviate of Burgundy, from Thun to Aarwangen. Rudolph

also acquired, in 1274, from his cousin Eberhard of Habsburg, the town of Freyburg, which formed part of the Züringen inheritance. Rudolph's possessions spread, therefore, over a great part of Helvetia, from the lake of Neuchâtel to that of Constance, and from the banks of the Rhine to the foot of the Alps.

While the great vassals of the German empire were thus extending and consolidating their power in Helvetia, the authority of the distant emperors became merely nominal. In fact, the empire itself was at this period distracted by contested elections, and consequent wars, both in Germany and Italy. After the untimely death of Henry VI., son of Barbarossa, in 1198, the imperial crown was contested between his brother Philip, duke of Suabia, Frederic, king of Sicily, the infant son of Henry, and the Guelph Otho, son of Henry the Lion, duke of Bavaria, and the foe of the Hohenstaufen family. Innocent III., one of the most able, rigid, and imperious pontiffs that ever sat in the papal chair, and who asserted the right of raising and deposing princes at his pleasure, pronounced first in favour of Otho, then acknowledged Philip, whom he had before excommunicated, and after Philip's murder by Wittelsbach, he excommunicated his former protégé Otho, and sanctioned, in 1212, the choice of young Frederic of Sicily, the only remaining male offspring of Barbarossa. Frederic, who was but seventeen years of age, though already a husband and a father, accepted, contrary to the advice of his Sicilian councillors, and of his queen, Constance of Aragon, the perilous offer: he proceeded first to Rome, where he had an interview with Innocent; and thence, through many dangers and narrow escapes from the partizans of Otho in Lombardy, he reached, at last, the mountains of Helvetia. The bishop of Coire and the abbot of St. Gall received him as their sovereign. Thence he hastened, with only sixty followers, to Constance, where he arrived just in time to fix the wavering minds of the bishop and the burghers. The abbot of St. Gall exerted himself strenuously in his behalf. Otho, Frederic's rival, was close at hand with his troops; his cooks and quarter-masters were already in the town. But the gates were suddenly closed against him, and Otho was obliged to retire. "Had Frederic been three hours later," says Raumer, in his history of the Hohenstaufens, "he might never have worn the imperial crown." As it was, Frederic's success was from that moment progressive, though slow, until at length, in 1215, he was universally acknowledged as emperor and crowned king of the Romans. His reign was stormy, and distracted by his quarrels with the popes, and with the Lombard cities. Frederic died in 1250, and was succeeded by his son Conrad, who died suddenly four years afterwards. William, count of Holland, who was elected next, though not universally acknowledged, having died also in 1256, a long interregnum followed, during which the imperial crown was contested by Richard, earl of Cornwall, and Alfonso of Castile, who had each their partizans.



At last, in 1273, Rudolph of Habsburg was, by universal consent, elected emperor, and the archbishop of Cologne proclaimed on the occasion, that Rudolph was "wise, just, and beloved of God and man." We will now take a short view of the character of this remarkable prince, and of his conduct towards Helvetia, his native country, the cradle, and for a long time the main support of the extraordinary fortunes of his family.

Rudolph, after leading a wild and irregular life in his youth, had since fully retrieved his character. He was active and brave, very skilful in state affairs, and although certainly ambitious, yet equitable and just. There was in his disposition a strong element of native honesty, and his firmness was free from obstinacy. He was in general a favourite with the towns, who, amidst the troubles of the interregnum, had felt thankful for the countenance and protection of so powerful a chief. Zurich had chosen him to command its militia on being threatened by his neighbour Ulrich, baron of Regensburg. Rudolph defeated the baron, and obliged him to seek the forgiveness of the citizens. He was not, however, on such friendly terms with the people of Basle. The misunderstanding originated in some disputes he had with the bishop of that city, and an affray which occurred soon after widened the rupture. During the carnival of 1273, a number of knights and other young noblemen, the friends and dependents of Rudolph, repaired to Basle to enjoy the festivities of that merry season. Some of them behaved rudely to the burghers' ladies, the husbands and fathers of whom rose against the insolent intruders and killed several of them. The count of Habsburg, on receiving the dismal news, collected troops and marched against the city. While he was besieging the place, the news arrived of his election to the imperial throne. On hearing this, the citizens of Basle came out of their walls with every mark of respect towards the new emperor, and invited him to enter their city with his troops. The past was easily forgotten; Rudolph assured the citizens of Basle of his friendship, and they swore allegiance to him. It was a time of wonder and rejoicing in Helvetia: the magistrates of the towns, the nobles, great and small, all repaired to Brougg in Aargau to congratulate the emperor. Their countryman, the valiant Rudolph, had been raised to the first throne of Europe. Rudolph, on his part, notwithstanding his elevation, the multifarious cares it brought on him, and the distance to which it removed him from his country, retained to the end of his life an affectionate regard for his brethren, the people of his native valleys. He granted Zurich a solemn pledge that that city should never be alienated from the empire. This was an important privilege in those times, when the emperors often gave away to the nobles, for pecuniary or other considerations, lands and towns belonging to the empire, as if they had been their private domain, by which means the inhabitants lost their immunities and privileges. He secured to Zurich, Schaffhausen, and Soleure, the right of having their judges and avoyers taken from among

themselves, and of being governed by their own municipal laws; and he bestowed on another town, Luzern, similar franchises. These he also extended to Bienne, Aarau, Winterthur, Laupen, Diesenhoffen, and other secondary places; he moreover protected Lausanne and Freyburg against the encroachments of the counts of Savoy, asserting in that part of the country the imperial authority, under which he restored to their liberties all those who had been free before. He raised the bishop of Lausanne and the abbot of Einsidlen to the rank of princes of the empire. He was liberal, but just and impartial, as well toward the towns as towards the nobles. On their part the towns, and the country at large, showed their sense of gratitude to him by abundant supplies of men and money, in the exigencies in which he was often placed. The city of Bern formed, unfortunately for both parties, the only exception to this good understanding. That city had acquired great importance in western Helvetia; it stood constantly in arms against the neighbouring nobles; its fidelity to the empire having excited numerous enemies, it was compelled, during the interregnum, to place itself under the protection of Philip, count of Savoy, and to make alliances with Soleure, Freyburg, and other towns. The river Aar separated Bern from the domains of the count of Kyburg, for a branch of that family still subsisted in the person of Hartman the young, nephew of Hedwige, Rudolph's mother. This Hartman dying, left a daughter, Anne, who married Eberhard, of Habsburg-Lauffenburg, cousin to Rudolph, and thus was formed the branch of Habsburg-Kyburg, which continued to figure in the subsequent history of the country. They were lords of Kyburg, of Thun and Berthoud. Disputes, which were then of frequent occurrence among neighbours, brought the count of Kyburg to besiege Bern, but his attempt was vain. Rudolph himself, in 1288, threatened the city, under pretence of protecting the Jews, whom the Bernese had driven away, but he retired without accomplishing any thing. The same year the Bernese defeated the baron of Weissenburg, lord of the lower Simmenthof, took his castle of Wimmis, and destroyed that of Jagdberg, taking the knight of Blankenburg prisoner, who was afterwards received as a citizen of Bern. The following year Albert, son of Rudolph, known by the name of Albert of Austria\*, endeavoured to take Bern by surprise, but being discovered, he was himself attacked by the citizens, and after a severe engagement, in which many of the burghers fell, though their banner was saved by a desperate effort of valour, Albert, struck with regard for the bravery of the Bernese, made peace with them on the sole condition that they should pay for a daily mass in the church of Wettingen, (a celebrated monastery near Baden in Aargau, on the

\* The province of Austria had been made a dukedom by Frederic Barbarossa. Ottokar, king of Bohemia, took it after the death of Duke Frederic II., the last of the Bamberg line, who died without issue, and Rudolph of Habsburg, having retaken it in 1276 from Ottokar, bestowed it on his son Albert.

banks of the Limmat, which subsists to this day,) for the soul of count Louis de Homberg, who had been killed in the combat.

The authorities for this part are:—I. *Histoire de la Confédération Helvétique*, par A. L. De Watteville, 2 vols. Bern, 1754. This is a very valuable compilation, made from a series of MSS., beginning with Justinger, who wrote his chronicle in 1420, and including Wagner, Tschachtlan, Schilling, Anshelm, and Stettler. Watteville refers to his authorities at the bottom of every page. An abridgement of Stettler's Chronicle has been printed: *Annales oder Gründliche Beschreibung der Geschichten und Thaten in ganzer Helvetia*, fol. Bern, 1627. II. *Ægidius Tschudi of Glarus, Chronicon Helveticum oder Gründliche Beschreibung der to wohl in den Heiligen Römischen Reich als besonders in Einer Löblicher Eydgenossenschaft und angränzenden Orten vorgeloffen merkwürdigsten Begegnussen*, edited by J. L. Iselin, 2 vols. fol. Basel, 1734. Tschudi wrote about the middle of the 16th century; he drew his materials from numerous MSS. documents, and from the chronicle of Etterlin of Luzern, who wrote about the middle of the 15th century, and whose chronicle was printed at Basle in 1507. Tschudi has also taken from the MS. chronicle of Schodeler, who wrote in the 15th century. III. John Müller, *Geschichte der Schweizerischen Eidgenossenschaft*, 5 vols. Müller's work is well known as the best history of Switzerland. He has carefully examined all the old chroniclers, documents, and traditions, and he frequently refers to his authorities in the course of his work. A new and spirited French translation of Müller is now in the course of publication: *Histoire de la Confédération Suisse*, par Jean de Müller, Robert Gloutz Blozheim & J. J. Hottinger; traduite de l'Allemand et continuée jusqu'à nos jours, par Charles Monnard et Louis Vulliemin. Paris and Geneva, 1837-8. Three or four volumes have as yet appeared, and the notes by the editors are copious and very valuable.

## SECOND PERIOD.

### FOURTEENTH CENTURY.

FROM THE FIRST ALLIANCE OF THE THREE FOREST-CANTONS, TO THE TERMINATION OF THE WAR OF SWISS INDEPENDENCE, AND THE ESTABLISHMENT OF THE CONFEDERATION OF THE EIGHT OLD CANTONS.

BEHIND the great central lakes\* of Helvetia, on the other side of the Finsterwald, or gloomy forest, and at the foot of the highest ridges of the Alps, among marshes, and rocks, and glaciers, tribes of scattered shepherds had, from the early times of the Roman conquest, found a land of refuge from the successive invaders of the rest of Helvetia. According to tradition these people were the last remnant of the Cimbri, who escaped the terrible defeat of their nation by the Romans. The Cimbri, it is known, were joined by some of the Helvetian tribes on their march to the south. In our own days philologists have traced in many words of the rude German dialects, spoken in the central cantons of Switzerland, a Swedish or Danish etymology; the appearance also of the race which inhabits some of these mountain districts is peculiar, and differs from that of the people of the other valleys around them. However this may be, the inhabitants of that secluded region, whether of original Helvetian, or of Scandinavian descent, remained unknown to the world for ages after the fall of the Roman power. No Alemanni, Burgundians, or Franks went to settle in that labyrinth of Alps, among wilds almost inaccessible, where no castle or steeple was to be seen on the hills nor town in the valleys. The cattle of the shepherds roamed in safety over the innumerable recesses of the Alpine chain, concealed from the eyes of the straggling bands of barbarians who might venture into these solitudes, and who, concluding that the country was uninhabited and unproductive, soon left it again for lands of better promise. The zeal of hermits and monks, however, proved more persevering than that of conquerors; the pious Meinrad, the cenobite of Einsiedlen, and several of his brethren, converted the rude shepherds to Christianity. For a long time after this the inhabitants of the three districts or cantons called Schwytz, Uri, and Unterwalden, formed but one society, having only one common church in the valley of Muotta, which belonged to the people of Schwytz, and choosing their magistrates from among their elders. As the population increased, every canton would have its own church, its own landamman or chief magistrate, and its council and tribunal. Thus

\* The lake of the Waldstätten, also called Lake of the Four Cantons, as it washes the shores of Schwytz, Uri, Unterwalden, and Luzern.

Schwytz, Uri, and Unterwalden became three distinct communities, yet remaining in close alliance as men of the same stock, and having the same interests. The form of their government was that of pure and simple democracy, suited to the habits of a pastoral race; all the native inhabitants who had reached the age of manhood assembled once a year in the church or in a field, to discuss and settle among themselves the few debatable questions that might arise in so primitive a commonwealth, and to elect their magistrates. It is not clearly known at what period they began to acknowledge the supremacy of the emperors of Germany, by whose subjects and vassals they were surrounded, and whose name and sanction they probably considered as a security against the annoyances and pretensions of their neighbours. There were, in these mountainous regions, many vast tracts of desert land, many a vale unexplored and uninhabited. The emperors had given some of these unappropriated grounds to nobles or to convents. The free peasants who came to cultivate these lands paid a quit rent to the proprietors. The counts of Lenzburg and those of Rapperschwyl, and the abbots of Zurich, Beromunster, and Engelberg held several of these lordships. But the most wealthy and powerful monastery in the country was that of Einsiedlen, in the canton of Schwytz. The abbot claimed the right of pasture for his cattle all over the surrounding mountains, in consequence of an old grant made by an emperor to the monastery of all the uncultivated lands in the country. The emperor did not know at the time what he was giving away. The shepherds of Schwytz, strangers to all the affairs of the political world, ignorant of the nature of grants and feudal investiture, were surprised when they saw the cattle of the abbot come to graze on their own meadows, which had belonged to their families for several generations. They disputed the abbot's claim, which was referred to the emperor Henry V., who decided in favour of the abbot. The shepherds of Schwytz felt indignant at this; they concluded that the protection of the emperor was of no use to them, and that they might as well do without it. Being joined by their brethren of Uri and Unterwalden, they drove away the monks and their cattle from their meadows. The emperor put them to the ban of the empire, and they were also excommunicated by the bishop of Constance, who interdicted all priests from administering the sacrament, and forbade the ringing of the church bells, until the shepherds had submitted to the emperor's decision. But the people of Schwytz were not so easily intimidated, they insisted on their priests performing the church service as before, and drove away from their valleys those who refused. Their cattle continued to multiply notwithstanding the interdict, the grass grew on their fields as luxuriantly as before, and the shepherds sent as usual the produce of their dairies to the markets of Luzern and Zurich. Thus things went on for years, during which the emperor had probably forgotten the people of Schwytz and their quarrel with the abbot. But the three

cantons, foreseeing that troubled times might come again upon them, entered into a solemn alliance with each other, and they afterwards renewed it from time to time.

The three *Waldstätten*, or forest-cantons, as they were designated, from the numerous and thick woods which covered great part of the country, had not acknowledged the delegated authority of any of the imperial governors in Helvetia until 1209, when Otho IV., on his way to Italy, induced them to accept the count of Habsburg for their landvogt or bailiff, the latter swearing at the same time to maintain their privileges and franchises. But the count having probably disregarded his oath, the people of the forest-cantons appealed to Henry VII., king of the Romans and son of Frederic II., to be freed from their governor, and that prince acquiesced in their demand, and confirmed their liberties, as did also Frederic II. by a written charter, in return for the services of a gallant band of their youths who had accompanied that emperor in his foreign wars. The expressions of the diploma are remarkably explicit; the people of Schwytz, Uri, and Unterwalden are acknowledged as *freemen* "who owe no allegiance but to the emperor, by whom they are received with open arms, having submitted of their own free will to the empire, from which they shall not at any future time be detached or alienated\*."

During the turbulent period of the interregnum which followed the extinction of the imperial line of the Hohenstaufens, the forest-cantons thought proper to place themselves under the powerful protection of Rudolph of Habsburg, acknowledging him as their *landvogt*. Rudolph was faithful to his engagements, and when elected emperor he confirmed the perpetual right of the *Waldstätten* to hold solely and directly of the empire. But Rudolph had sons whom he wished to leave independent and powerful; one of them he had made duke of Suabia, for another he had in view the restoration of the kingdom of Burgundy, and a third, Albert, who was already duke of Austria, was importunate in urging his father to extend and consolidate his hereditary dominions in Helvetia. Albert is described by contemporary writers as a man of abilities, but rapacious, ambitious, and unprincipled, who scrupled not to usurp the castles and domains even of his relations for his own aggrandizement; he had, moreover, by his consort, Elizabeth of Carinthia, a numerous offspring, for whom he was anxious to provide. He aimed at forming an hereditary dukedom of all Helvetia, and for this purpose he suggested to his father to purchase the domains of the abbots, to induce the lords to sell him their fiefs, or at least to do homage to him as duke of Austria, by which means the free towns and independent commonwealths, finding themselves enclosed within his dominions, would at last be obliged to surrender also their rights. How far Rudolph entered into

\* Guilliman *de rebus Helveticis*. The *Waldstätten*, from their very origin, were differently situated from the other people of Helvetia; they had never been conquered or made subjects of.

these views of his unprincipled son is not known; he, however, in 1291, purchased of the abbot of Murbach the town of Luzern, and the rights of the abbey over several villages within the country of Schwytz, giving the abbot in exchange some districts in Alsace, besides two thousand marks of silver. The news of this acquisition on their immediate frontiers alarmed the Waldstätten. In the same year, however, Rudolph died while on a journey to Spire, in the seventy-fourth year of his age, and the nineteenth year of his reign. The imperial crown was contested by his sons Albert and Adolphus of Nassau. The latter had the majority of votes; but Albert maintained the struggle by arms, and Helvetia, as well as Germany, was divided on the question. The Waldstätten, seeing the storm gathering around them, renewed in 1291, their alliance, solemnly engaging themselves by oath mutually to defend each other, and their families and properties, against all aggressions from without. From this alliance they took the name of Eidgenossen, "bound by compact," or confederates. On the other side the bishop of Constance, the abbot of St. Gall, the town of Zurich, and the count of Savoy formed also an alliance among themselves, in order to oppose the ambitious views of Albert. The latter, in revenge, overran and ravaged the lands of the bishop. At length, in a great battle fought in 1298, Adolphus of Nassau lost his crown with his life, and Albert of Austria took undisputed possession of the imperial throne. He soon turned his whole attention to what he considered his refractory subjects of Helvetia.

The authorities and governments of that country consisted at that epoch of four classes: 1st, Towns, Lands, and Lordships belonging to the house of Habsburg or Austria, whose representative Albert was, his elder brother Rudolph, duke of Suabia, having died, leaving his son, John of Habsburg, a minor under the guardianship of Albert: 2nd, Lordships and Abbacies whose owners held directly of the German empire: 3rd, Free Imperial Towns: 4th, and last, The Commonwealths of the forest-cantons, who were also nominally subject to the empire. The first class of dominions had become, under Rudolph, by far the most important and extensive, and it was, as we have said, the policy of Albert to enlarge it still more, so as to make all Helvetia the patrimony or fief of Austria. He first turned his arms, in 1298, against the free town of Bern, which both his father and himself had already once before attacked in vain, and in this expedition he was joined by a number of lords, jealous of the growing power of that city, and offended at the bold and independent bearing of its citizens. He was also joined by the militia of Freyburg, which town had since 1274, as we have seen, come under the dominion of the house of Austria. The Bernese, under the command of one of their burgher nobles, Ulrich of Erlach, went jointly with their allies of Soleure to meet Albert; the combat at Donnersbühl was obstinate and bloody, but at last victory declared for the Bernese, and the emperor was obliged to retire with great loss. The

vengeance of Bern now fell upon the vassals of Albert, whose castles almost encircled the town; many of these were taken and razed to the ground; several of the nobles, among others the baron of Weissenburg, lord of Simmenthal, in order to save their property, acknowledged themselves vassals of Bern, by which the territory of that republic was considerably extended. Count Otho of Strasburg soon after gave up to the Bernese the town of Laupen and its territory, which he held of the empire.

Albert, foiled before Bern, turned against Zurich, and encamped with his host before the town, under the pretext that the inhabitants had insulted his subjects of Winterthur. He then proposed to the abbess and chapter, and to the burghers, to acknowledge his dominion. The people of Zurich having made their preparations of defence, in which even women and children vied with the men, sent him word that they were ready to acknowledge and receive him as their sovereign emperor, if he, on his side, confirmed their liberties and privileges. Albert, doubting of the success of a siege, accepted the conditions and made peace with Zurich. The whole weight of his wrath was next to fall on the confederates of the Waldstätten. These had roused his anger by taking, during the contest for the empire, the part of Adolphus of Nassau, Albert's rival, who was lawfully elected emperor, and who on his part had confirmed their privileges. After the death of Adolphus and Albert's final recognition as emperor, the confederates sent a deputation to Strasburg to beg the confirmation of their ancient franchises, which his father Rudolph, of glorious memory, had solemnly acknowledged. Albert gave them an evasive answer, saying he had to propose to them a change in their situation. Two years afterwards, in 1300, he sent to the Waldstätten two of his councillors, the Baron Liechtenberg, and the Baron Ochsenstein, to represent to them that it would be for their interest to become subjects of the duke of Austria, by whose possessions they were surrounded, and that he had himself in their country sundry jurisdictions which he and his father had purchased from the clergy and lay proprietors. He promised to adopt them as faithful children of his imperial family, to give them possessions and wealth, and to create knights among them. The answer of the three cantons was brief. They stated respectfully, but firmly, that "they were satisfied with their present condition under the immediate protection of the German empire, that they flattered themselves that the emperor would acknowledge their hereditary privileges, as they on their side were ready to fulfil all engagements to which they were bound."

This answer served only to increase Albert's wrath. He employed his vassals and other dependants in the neighbourhood of the Waldstätten to gain some of the higher families of those valleys, especially the free nobles whose ancestors had come to reside among them, and had been among the first to clear the wilderness. This they were



to do by descanting on the advantages that would accrue to them and their estates if all the countries of that part of Helvetia which traded together should become united under one master. But he made no converts, and the baron of Attinghausen, landamman, or first magistrate, of Uri, repaired in 1301, to the imperial court, again to solicit the confirmation of the privileges of the three cantons, and to demand a *reichsrog*, or imperial governor, to be sent to them. This request was made for the purpose of preventing Albert from sending them his own Austrian bailiffs, and from detaching the Waldstätten from the empire and making them part of the appanage of his own family. Albert's answer was, "that as they had refused his advantageous offers, he should not use any greater complaisance towards them; that they had no occasion for an imperial governor, and had only to address themselves either to his own bailiff at Luzern, or the other at Rottenburg." The meaning of this answer was well understood by the Waldstätten; he referred them to his bailiffs, that the latter, by administering the *jus gladii*, or supreme justice in their country, in the name of the duke of Austria, might thus acquire a prescriptive right for that house. On the subsequent remonstrances of the Waldstätten, Albert promised at last to send them imperial bailiffs, which he did in 1304, enjoining the people to obey them and respect their orders as they would his own, under pain of being deprived of their liberties.

Albert appointed to this office two noblemen of a haughty, harsh, and overbearing character; and he, probably, gave them instructions which aggravated the natural bent of their dispositions. One of these was Hermann Gessler of Brunegg, and the other Beringar of Landenberg. They established themselves permanently in the country, contrary to the custom of former imperial bailiffs; the first at Altorf, the principal village of Uri, and the latter at Sarnen, in the Unterwalden. The castles which they occupied and fortified, were garrisoned by Austrian troops. Albert had lately acquired another castle called Rotzberg, in the country of Unterwalden; and there he sent another noble of the name of Wolfenschiessen, of the same temper as the two bailiffs. The career of injustice and vexation which these worthy delegates of Albert pursued, was such, that the chroniclers of the time find no expressions sufficiently strong to characterize it. They openly violated the liberties of the country; they arrested the inhabitants upon the most trifling grounds, and sent them to Luzern or Zug, where they were tried by the ministers of the duke of Austria; they increased the imposts and tolls due to the empire; they levied arbitrary fines, and exacted payment in the most merciless manner; and they insulted on all occasions the simple but substantial and independent proprietors of the country. Werner Stauffacher of Steinen, in the canton of Schwytz, had built himself a new and commodious house. Gessler, riding past it one day, exclaimed loudly, "Is it to be borne, that vile peasants should be possessed of such

fine mansions?" In Unterwalden, Arnold of Melchthal was fined for a slight offence, and a handsome team of oxen was taken from his plough by a servant of Landenberg, who told Arnold that "peasants ought to draw the plough themselves." The young man struck the fellow, broke two of his fingers, and then ran to the mountains. The bailiff Landenberg, revenged himself on old Melchthal, the innocent father of Arnold, by searing his eyes. The young lord of Wolfenschiess, the friend of Landenberg, went one day to the house of Conrad of Baumgarten, while the latter was out in the fields, and insisted that Conrad's wife should prepare a bath for him, making her, at the same time, indecent proposals. The wife sent word to her husband, who, returning hastily, killed Wolfenschiess in the bath. The inferior dependants and partizans of the bailiffs imitated the conduct of their masters. The governor of the castle of Schwanaue, in the lake of Lowerz, having attempted to violate a young woman of Arth, who belonged to one of the principal families of the country, was murdered by her brothers. As there was no chance of obtaining justice, the country people became desperate, and every one sought redress with his own hands. General confusion and disorder spread over the land. It was evident that Albert's intention was to drive the people either to rebellion, that he might have a pretence for annexing them to his dominions, or to the voluntary sacrifice of their liberties, in order to be relieved from their bailiffs. Indeed the latter alternative was suggested to them by the emperor's ministers, by way of advice, in answer to their reiterated remonstrances. On the other side, the Waldstätten were anxious to avoid open revolt, which might give the emperor a pretext for effecting that which they well knew to be his main object. But Albert's bailiffs, by carrying their oppression too far, hastened the crisis. Their outrageous conduct was a theme of secret though frequent complaints among the people. The women, less restrained by prudence, were loud in their denunciations of the tyrants, and urged their husbands to throw off the yoke. Werner Stauffacher of Schwytz, who has been mentioned above, had, in the course of 1307, interviews with Walter Furst of Uri, and Arnold Melchthal of Unterwalden. These three men, deploring the miseries of their common country, agreed to sound their respective neighbours, and ascertain whether the people would risk their lives for the recovery of their ancient liberties. They agreed to meet again and report to each other the result of their inquiries; and they fixed upon a solitary spot called Rütli, on a steep promontory, jutting into the lake, opposite the village of Brunnen, as a central point between the three cantons.

An incident occurred in the meantime, which, although unconnected with the conspiracy, had the effect of strengthening the purpose of the patriots. The bailiff Gessler, suspecting that a spirit of resistance lurked among the people, and wishing to find out the most determined spirits,

that he might get rid of them, resorted to a most singular contrivance of despotic caprice. He caused a high pole to be raised in the marketplace of Altorf, on the top of which his hat, or, what is more probable, the ducal cap of Austria, was perched; issuing at the same time an order, that every passer by should uncover his head before the hat, in token of respect for its master. *Wilhelm Tell*, of Burglen near Altorf, son-in-law to *Walter Furst*, was the first who disobeyed the order. He was immediately taken before *Gessler*. This was a new species of offence, and the punishment the bailiff awarded was equally new. *Tell* was known to be an excellent marksman at his bow; he had only one son, yet a boy, and *Gessler* sentenced the father to take his stand at a considerable distance, and shoot at an apple placed on the head of the child. Should he miss his aim, he was to suffer death. The inhuman sentence was carried into immediate execution: the boy was blindfolded, and an apple tied over his head. *Gessler* was present on the occasion. *Tell* took his bow and two arrows in his quiver, and set about his fearful task. With a firm hand he let fly the arrow, and hit—not the boy's head, as the tyrant expected, but the apple. The spectators shouted applause. *Tell* was overcome by his feelings; and, in his joy at his boy's escape, he unguardedly answered the questions of the tyrant, who asked him for what purpose he had taken a second arrow in his quiver, as he could shoot but once? "That was reserved for thee, had the first hit my son." This rash but irresistible burst of feeling nearly proved fatal to *Tell*. *Gessler*, rendered doubly suspicious of this man's courage and skill, was determined not to leave him at large; and he eagerly caught at the threat thus imprudently expressed. *Tell* was pinioned, and thrown into *Gessler's* boat, which was ready to carry him to the castle of *Kussnacht*, at the other extremity of the lake. The wind was contrary, but *Gessler*, impatient to carry off his prisoner, and fearing an outbreak of the indignant people, gave the signal for departure.

The southernmost branch of the lake of the *Waldstätten*, which extends into the canton of *Uri*, consists of a long and narrow piece of water of very great depth, stretching from north to south, between two ranges of high, bare, and almost perpendicular rocks. The wind when plunging suddenly from the mountains above, causes a dangerous surge. There is hardly a landing place along either coast; and the boat which should attempt in a storm to near the shore, would be dashed to pieces against the cliffs. *Gessler's* boat had not proceeded far, notwithstanding the strenuous exertions of his rowers, before it became unmanageable. The danger was imminent. The crew suggested to *Gessler*, that if he would let them unfetter *Tell*, who was lying at the bottom of the boat, and was known as an experienced boatman, and one well acquainted with every nook of the shore, they might yet be saved. The governor nodded assent. *Tell*, taking the rudder in hand, steered the boat against the abrupt sides of the *Axenbergl*, where a narrow, flat shelf of rock juts out

into the water. As the boats neared it, *Tell*, seizing his bow, sprang on the narrow ledge, pushing at the same time the boat with his foot back into the roaring waters. In the confusion, *Gessler's* boatmen missed the landing place, and were obliged to beat out against the waves. The storm, however, abated its fury, and *Gessler* was safely landed on the coast, from whence he took a path across the country to reach his castle of *Kussnacht*. *Tell*, who foresaw where he would land, if land he did, and the direction he must follow, was waiting in ambush for him in a cave; and as *Gessler* passed, *Tell* shot him through the heart\*. This happened towards the end of 1307.

*Tell* was driven to this last extremity by the absolute necessity of destroying his implacable enemy, or being himself destroyed and his family ruined. As soon as the deed was done, he went to *Steinen*, and told *Werner Stauffacher*, whose sentiments he was acquainted with, what had happened. *Stauffacher* communicated it directly to his two friends, *Furst* and *Melchthal*. They all felt disconcerted by *Tell's* precipitance, as they were not prepared for the immediate insurrection of the whole *Waldstätten*. They also disapproved of *Tell's* personal violence, justifiable as it might appear; for those old single-hearted patriots were conscientious and religious men, and abhorred the shedding of blood, even of their enemies, excepting in self-defence. At a meeting which they held at the usual place of *Rütli*, in November, 1307, the three leaders brought each with him ten trusty and honourable men of their neighbours; and then the three first, raising their hands towards heaven, and calling on the Almighty to witness their engagement, swore to live and die for the rights of their oppressed countrymen—no longer to suffer injustice, and on their part to commit none; to respect the rights of the house of *Habsburg*, and without offering violence to the imperial governors to put an end to the arbitrary acts of their tyranny. The thirty followers devoutly repeated the same oath, and engaged themselves to fulfil it. The execution of their design was fixed for the 1st of the following January. After concerting their measures they parted; and every one was quietly at home next day, attending to the cares of his house and fields.

On the 1st of January, 1308, as the bailiff *Landenberg* came out of the castle of *Sarnen* to go to mass, twenty of the confederates appeared before him, bringing the customary presents of fowls, sheep, &c. The

\* Doubts have been cast on the authenticity of *Tell's* adventure, because a similar case is reported by *Saxo Grammaticus*, a chronicler of the twelfth century, to have happened in Denmark about the tenth century. *Tell's* incident, however, occurred at a period when information was much more spread throughout Europe: it is attested by historians who lived early in the following century; it was then consecrated by universal tradition by the building of chapels, and by paintings. Grave modern historians, *Müller* among the rest, entertain no doubt of its truth; the narrative bears all the requisites of moral proof.

bailliff suspecting nothing, told them to go into the castle, while he himself proceeded to church. When arrived at the gate, the confederates took from under their jackets spear-heads, which they fixed to the ends of their staves: with these they disarmed the guard; and having made a signal to another party of thirty men who were waiting close by, they all rushed in and overcame the garrison. Landenberg hearing of this, escaped over the frontiers to Luzern without being pursued. His people were set at liberty on condition of never returning into the Waldstätten. At the same time, another party of confederates were introduced into the castle of Rotzberg by one of their number, who was in the habit of visiting at night one of the female domestics of the castle. The latter used to let down a rope ladder from her window, by which her lover ascended; and on this occasion he availed himself of the opportunity to serve his country, by introducing his friends, who soon made themselves masters of the castle. Hitherto no blood had been shed. At the same time, Stauffacher, with the men of Schwytz, took possession of Schwanau, and Walter Furst and his son-in-law, Wilhelm Tell, did the same by Gessler's castle in Uri. All these fortresses were razed to the ground. Bonfires were lighted upon all the mountains; and the following Sunday deputies of the three cantons assembled at Brunnen to renew their old alliance by oath, and to thank God that they had accomplished their deliverance without bloodshed, and without violating the rights of the house of Habsburg.

The emperor Albert, on being informed of these proceedings, which were in all likelihood not unacceptable to him, repaired in the month of April, 1308, to Baden, in Aargau; whilst there, he put the three Waldstätten to the ban, forbidding any one to trade or hold communication with them; and he summoned all his vassals to assist him in subduing the rebels. Whilst making preparations for invading and devastating the poor forest districts, Albert, on the 1st of May, set out from Baden to join his empress at Rheinfelden. He had with him his nephew, John of Habsburg, son of Rudolph, duke of Suabia, who, being now of age, claimed to be put into possession of his father's inheritance. But Albert was not willing to part with what he had once held. He refused to comply with the demands of his nephew, whom he pronounced to be too young and inexperienced, and he replied to the young man's complaints by taunts and sarcasm. A similar scene had happened just before they left Baden; and John had formed a conspiracy to kill his uncle with four noblemen of Albert's suite, to whom also the emperor was peculiarly obnoxious. No sooner had the emperor crossed the ferry on the river Reuss at Windisch, than the conspirators, who accompanied him, fell upon him, before the rest of his suite, who beheld the deed from the opposite bank of the river, could come to his assistance. John was the first to strike his uncle in the throat with his spear, exclaiming,

"This is the reward of injustice." Rudolph of Balm, wounded him in the breast, and Walter of Eschenback cleaved his head with his battle-axe. Two other noblemen, Rodolph of Wart and Conrad of Tägerfeld, stood by, but did not assist in the murder. They then, all horror-struck at what they had done, dispersed in various directions, leaving Albert alone, bathed in his blood. The emperor drew his last breath in the arms of a poor woman who happened to be journeying on that road.

The report of this crime spread consternation even amongst Albert's enemies and victims. The assassins wandered about, shunned by all men, without asylum and without sympathy: Zurich shut its gates against them: the brave Waldstätten, where the murderers hoped to be received, since they had delivered that people from an implacable oppressor, refused to admit them, scorning to purchase their deliverance by countenancing a crime.

Elizabeth and Agnes, the widow and the daughter of Albert, as well as Leopold of Austria, his son, fearfully avenged the murder. Innocent and guilty were involved in one common slaughter, on the slightest suspicion of being accomplices of the murderers. The first nobility of Helvetia perished in these abominable proscriptions; their castles were burnt, and their estates were confiscated to the profit of the dukes of Austria. Agnes, queen of Hungary, the daughter of Albert, has acquired an infamous immortality by the fierceness of her revenge. At Fahrwangen, sixty-three knights, generally believed to have been innocent, were beheaded in her presence, and amidst this scene of blood she is reported to have exclaimed, "Now we bathe in the dews of May." Rudolph von Wart, the least guilty of the assassins, being taken, was condemned to be broken on the wheel. His wife implored at the knees of Agnes a commutation at least of the dreadful mode of execution, but in vain: Von Wart had his limbs broken on the wheel, but, by a refinement of cruelty, was left still alive. From his bed of agony he continued to console his devoted wife, who remained alone, kneeling by his side, until he expired. Such was Agnes' revenge. About one hundred noble families, and nearly one thousand persons of plebeian condition, of every age and of both sexes, are said to have been immolated to the manes of Albert. At last, satiated with carnage, mother and daughter built a convent on the spot where the murder had been committed: it was called Königsfelden, and was enriched with the confiscated property of the victims. In this convent, Agnes spent fifty years of her life in the practice of the most austere asceticism, and she was buried there, by the side of her parents: her apartments and the vaults were still to be seen a few years ago, although the monastery of Königsfelden has been long secularized, and the remains of the Austrian princes and princesses have been removed to Vienna.

In the midst of these and other cares, the sons of Albert lost sight of the forest-cantons for several years, leaving them to the undisturbed



enjoyment of their ancient institutions. Henry of Luxembourg having been proclaimed emperor, crossed Helvetia on his way to Italy, and he appointed Rudolph of Habsburg, count of Lauffenburg, to be governor of Zurich, Aargau, Thurgau, and the Waldstätten; the latter district gave the emperor an escort of 300 men. In 1313, Henry perished by poison in Italy; and the electors were divided, on the appointment of his successor, between Louis of Bavaria and Frederic of Austria, son of Albert. Helvetia was likewise divided between the rival candidates. Bern, Soleure, and the Waldstätten, took the part of Louis, whilst the rest sided with Frederic. The former, however, prevailed, and was finally acknowledged emperor. Frederic and his brother Leopold had not forgotten the insurrection of the Waldstätten against their father; and now the partiality shown for Louis of Bavaria added fuel to their resentment. In consequence of some fresh disputes between them and the monks of Einsiedlen, the Waldstätten were excommunicated by the bishop of Constance, and the imperial chamber put them to the ban of the empire as rebels to the emperor. But the Waldstätten were relieved from the spiritual interdict by the archbishop of Mayence, and from the ban by the emperor Louis. Frederic, however, in his quality of protector of the convent of Einsiedlen, thought he had a plausible opportunity of chastising the stubborn mountaineers, and he committed to his brother Leopold the care of the expedition. Leopold assembled, in the autumn of 1315, a body of 20,000 men at Baden, on the Limmat. There he arranged his plan of campaign. His principal attack was to be directed against the canton of Schwytz, the most important, as being the most fertile and populous of the three Waldstättens. The canton is not so mountainous and rugged as those of Uri and Unterwalden; it consists of fine valleys and pasture lands on the slopes of the lesser Alps. Leopold's cavalry could, therefore, act better there than in the deeper alpine recesses; and it was also the most accessible by an army coming from Baden and Zurich. About the middle of November he advanced, at the head of the main body of his troops, with a numerous cavalry, through the country of Zug, intending to penetrate into Schwytz by the defile of Morgarten. This pass is situated between the eastern bank of the little lake Egeri and the mountain called Sattel, which extends from the frontiers of Zug into the country of Schwytz; it is one of the principal passes leading into the latter. At the same time, Leopold had directed two other attacks against Unterwalden, one from the side of Luzern, and another from the Hasli over Mount Brünig. The plan was well combined and faithfully executed. Leopold also directed a false attack to be made on the side of Art, along the coast of the lake of Zug, whence there is another road leading into Schwytz. The feint would have succeeded, for the Waldstätten were hurrying to the latter spot, had it not been for a knight of the house of Hunenberg, who was

in Leopold's camp, and found means to warn them to "*beware of Morgarten.*" Accordingly, 700 men from Schwytz, and 700 men from Uri and Unterwalden were posted on the Sattel mountain. On the morning of the 15th November, Leopold of Austria, at the head of his cavalry, advanced to Morgarten; his troops marched on with the greatest confidence, making sure of victory over a band of peasants ill armed and undisciplined, and they only thought of the best means of securing the booty they expected to collect. For this purpose they had provided a large quantity of ropes to fasten round the heads of the fat beeves of the Waldstätten. As Leopold's cavalry proudly advanced through Morgarten, followed by the infantry, fifty men of Schwytz, who, having been banished the canton for various offences, had, in the hour of danger, begged of their countrymen to allow them to take part in the defence of their common land, and who had posted themselves on the rocks which overhang the defile, as soon as they saw the line of cavalry far advanced into a narrow path, where they could only move on in single file, began to roll down a quantity of large stones and trunks of trees, which did much havoc among the horsemen, and threw the whole body into confusion. The men of the three cantons, or Swiss,\* as we shall call them in future, who had taken position on the mountain, perceiving this, rushed down in a body upon the enemy, and engaged them with so much fury, that Leopold ordered a retreat upon the open country, where his cavalry might act. The infantry, which followed, was thrown into disorder by this manœuvre; the rugged nature of the frozen and slippery ground was unfavourable to the movements of the soldiers, whilst the Swiss, used to the country, and having their mountain shoes studded with rough nails, came down with impetuosity upon them, and put them completely to rout, before they could rally in the plain. The Swiss halberds, a destructive weapon, shaped like an hatchet on one side, and terminating in a spear, and their *morgensternen* or clubs, studded with iron points, wielded by strong, sinewy arms, made dreadful execution among the troops of the duke. Between 1000 and 1500 of the cavalry were killed, and among them the flower of the nobility.† The loss of the infantry is not known; fifty men of Zurich and another party from Zug, who had accompanied Leopold as the contingent of those towns, were all found among the dead. Leopold fled to Winterthur, where he arrived with few followers,

\* The people of the Waldstätten were known from that time by the name of Schwytzers, in high German, Schweitzers; from the canton of Schwytz, the most important of the three, and the foremost in the war of independence. As other cantons became incorporated, the name of Swiss or Switzers became general to the whole confederation.

† Among others, Rudolph, count of Lauffenburg, of a lateral branch of the house of Habsburg, Baron Ruesseck, Baron Baldeck, three Barons Bonstetten, two Barons Halwyl, Beringer of Landenberg, the bailiff of Unterwalden, and two of the family of Gessler,—chiefly Helvetic nobility, vassals of the duke of Austria.

in the greatest dismay. The loss of the Swiss was trifling, some say only fourteen men.

Meanwhile, the count of Strassberg, on his side, with 4000 men, had entered the country of Unterwalden. His troops plundered Sarnen and other villages. The people were unprepared for this attack, and they sent a messenger to their countrymen at Morgarten, who arrived just after the victory. The 300 men of Unterwalden, joined by some of Schwytz, returned immediately, crossed the lake, overthrew the advanced guard of the enemy, and met the main body at Alpnach, under Strassberg. But the count perceiving the two banners of Unterwalden, which he knew to have been at Morgarten, concluded that the Swiss must have repelled Leopold's attack, and thought it therefore prudent to retire, which he did with the loss of several hundred of his men. Thus was this great victory complete, and the Waldstätten were freed, by their bravery and virtue, from the presence of the enemy.

On the 8th of December, of the same year, the three cantons entered into a solemn compact of the following tenor:

They engaged to defend one another, each state at its own expense, against all enemies.

No one of the cantons could apply for foreign assistance, or form alliances, or place itself under a foreign power, without the consent of the others.

Those individual inhabitants who were under the jurisdiction of a lord or prince, should punctually fulfil their engagements, and pay their dues, as long as he remained at peace with the cantons.

They were to receive no bailiffs or judges but such as were inhabitants of one of the cantons. Every inhabitant was to appear whenever required before the judge or magistrate, and to obey the laws. He who should slay a man was to be punished with death, unless he could prove that he had acted in self-defence. An incendiary was to be banished for ever. Whoever concealed an assassin was also to be banished for ever.

These stipulations, which were afterwards adopted by the other cantons who joined the confederacy, were promulgated at Brunnen, and sealed with the seal of the three cantons of Uri, Schwytz, and Unterwalden.

The emperor Louis of Bavaria was pleased at this defeat of his Austrian rival, Frederic, who still kept up the contest for the imperial crown. He congratulated the cantons upon their success, and promised them his assistance. Frederic himself was too much engaged in Germany to think of pursuing the war against the Swiss, and he at last concluded a truce with them in July, 1318, which was renewed till August, 1323. But the war which was still carried on between Frederic and the emperor Louis, could not fail to extend to Helvetia. The dukes of Austria were in possession of a great part of that country, and

allied to the chief nobles. Bern and the people of Glaris as well as the Waldstätten, took the part of the emperor Louis. The country of Glaris belonged to the abbey of Seckingen, but the dukes of Austria, who had the right of appointing the *kastvogt*, or warden of the abbey, conferred this office on strangers, by which they violated the ancient customs and privileges of the people. This treatment exasperated the inhabitants of Glaris against Austria, and led at last to the complete emancipation of that canton.

In 1318, Leopold laid siege to Soleure, a free imperial town, but after ten weeks, he was obliged to retire, in consequence of the overflowing of the river Aar, which carried away the bridge he had thrown across the stream just above the town. By this accident a number of the duke's men were cast into the foaming waters, and they would all have perished in the current by which they were carried along, had not the citizens of Soleure, at the peril of their own lives, rescued many of them, whom they sent back to Leopold's camp without ransom. Leopold, overcome by this act of magnanimity, made peace with Soleure. In all these early wars of the Swiss against the dukes of Austria, nothing is more affecting than the singleheartedness and purity of those old republicans, who never injured even their enemies excepting for the sake of absolute self-defence; and who as soon as the aggressors were repulsed, spared both the lives and the property of those who had sought their destruction. Untutored as they were, their conscience told them that people who struggle for their rights, ought scrupulously to respect those of others.

The city of Luzern, which since 1291, had become subject to the dukes of Austria, felt all the inconvenience at being in a state of war with its immediate neighbours of the Waldstätten. The great thoroughfare to Italy through the St. Gothard was now stopped, and the trade of Luzern suffered materially from the obstruction; its fairs were deserted, its lands exposed to the incursions of the Swiss and Bernese, and its burghers obliged to be under arms night and day for the defence of their walls. Yet the duke of Austria, instead of endeavouring to make some compensation to the people for these hardships, aggravated their distress by imposing fresh duties on them to carry on the war. At last the burghers of Luzern, weary of these undeserved calamities, made a truce with their Swiss neighbours without consulting the duke. Although the noblemen in the town and neighbourhood were still in their hearts attached to the Austrian power, the citizens for their own safety concluded, in 1332, a perpetual alliance with the Waldstätten, and were admitted as a *fourth* canton into their confederation, on the same terms as the others. It was stipulated that in case any difference should arise between the three first cantons, Luzern should side with the majority.

Frederic of Austria had died in 1330, and by his death peace was restored to the empire. But his successor, the duke Albert II., was not

of a temper to give up tamely the possessions of his house in Helvetia. The nobles of Aargau armed in his name against Luzern, and surrounded the town; but the citizens, reinforced by their new allies of Schwytz, defeated them at Buchenas and Ramschwag. The Austrian party attempted next to gain possession of the town by a conspiracy. The nobles who were in Luzern agreed to sally out in the night, and, after surprising the leaders of the popular party in their beds, to open the gates to the baron of Rothenburg. The conspirators assembled in arms on the borders of the lake, in a subterranean vault under the hall of the corporation of tailors. A boy accidentally overheard their conversation, but he was perceived, seized, and would have been put to death, but for the interference of some more humane than the rest, who made him swear solemnly not to reveal to any living person what he had heard. The youth was then released, and he went to the butchers' hall where some men were still loitering, drinking, and playing; he placed himself facing the stove, with his back to the company, and there told in a loud soliloquy all he had heard and seen, and the oath he had been obliged to take. The others listened attentively, then rushed out and awoke their townsmen. They seized the conspirators, sent to Unterwalden for assistance, exiled the nobles who were still in the magistracy, and formed a Council of 300 citizens to administer the affairs of the canton. The duke of Austria, weary of these vain attempts, referred the affair of Luzern to the arbitration of Bern, Zurich, and Basle. It was agreed, in 1334, that the alliance of Luzern with the Waldstätten should remain in force, and a truce was concluded between the town and the duke, which truce was afterwards renewed from time to time.

Bern had remained faithfully attached to the emperor Louis, in the midst of all the troubles of the contested election. Louis, however, being at variance with the pope, was excommunicated in his turn, and it was on this occasion that the electors of the German empire, assembled in 1338, passed a memorable resolution, importing "that an emperor and king of the Romans being once elected by the majority of suffrages, had no need of the sanction of the papal court in order to exercise the imperial rights." Thenceforth the emperor elect assumed the title of king of the Romans, without being crowned by the Pope. Such was the final result of the exorbitant pretensions of the Roman see. But the Bernese were as yet too much under the influence of the Pope to slight the thunders of the Vatican, and they forsook Louis, who, highly incensed at this, joined the league of the nobles, ever jealous of Bern's prosperity and independence. The league was formidable, it consisted of the counts of Gruyere, Kyburg, Nidau, Aarberg, and of Neuchâtel, and the town of Friburg. A great council was held at Nidau, at which the emperor's messengers were present, and nothing less than the total destruction of Bern was determined upon. The republic, however, was not disheartened. After several fruitless negotiations, the Bernese took

the field in good earnest. They threw a garrison into the town of Laupen, a sort of advanced post of Bern on the road to Friburg, having chosen for this service one individual out of each family of Bern, that every one should feel interested in the preservation of that important place. The old avoyer, John of Bubenbergh, took the command of the garrison, and swore to sacrifice his life, and all that he possessed, for its defence. The army of the nobles before Laupen consisted of 15,000 foot and 3000 horse, commanded by the count of Nidau. They reckoned in their ranks 700 knights with coronetted helmets, and 1200 cuirassiers. While the Bernese council, assembled at the town hall, were debating about the choice of a general to lead their forces into the field, Rudolph of Erlach, son of Ulrich, who had commanded his countrymen in 1298, at Donnerbühl, was seen entering the town on horseback. He was appointed general by acclamation. Soleure, ever faithful to Bern, sent its contingent of 80 knights; the three Waldstätten sent 900 of their hardy countrymen; the baron of Weissenburg, who from an enemy had become an ally and a vassal of Bern, arrived with 600 men from Hasli and Simmenthal. These forces, joined to the Bernese, formed a body of 5000 men. On the 21st June, 1339, this little army arrived on the heights near Laupen in sight of the enemy's forces. The nobles did not expect that the Bernese could collect even this number of men, and Mayenberg the avoyer of Friburg advanced between the two armies, taunting them with having women in disguise among them, to swell their ranks. Cuno of Ringenberg, a Bernese knight, together with a warrior of Schwytz, indignantly denied the charge, and offered the avoyer to prove the trial by single combat. Mayenberg having returned to the camp of the princes, proposed negotiations, but the majority rejected the proposal with scorn. An attack on the Bernese position was decided upon. In the Bernese camp the honour of being the first to encounter the cavalry was granted to the men of the Waldstätten. These rolled down before them a line of cars armed with scythes, so constructed that they could not be wheeled backwards; and when they came within reach of the enemy's line, they threw from their slings, in the use of which they were very expert, a shower of stones, which created confusion among the horses. The Swiss then feigned to retire towards the hill in their rear, and the princes pushed forward their cavalry; but the cars opposing their passage broke their ranks, and the Swiss rushing forward fought man to man against them. Meantime D'Erlach, with the main body of his troops, charged the Austrian infantry, which, unable to withstand the shock, fell back in disorder, leaving the Bernese free to turn to the assistance of their Swiss allies, who were hard pressed by the enemy's cavalry. The latter, however, perceiving the retreat of their infantry, wheeled round, without waiting for a fresh encounter; for the slaughter among them had been already very great. The combat lasted only an hour and a half. Among the dead were found the count of Nidau, the



first promoter of the war, count John of Savoy, the count of Valengin, and a number of knights. Bircken, an Austrian writer, says that 14 counts and 80 knights perished. John of Winterthur, a contemporary historian, states the whole loss of the princes at 1000 men, but this calculation appears too low, from the number of leaders who were killed. This victory, in every way glorious, whether we consider the motives which led to the war, or we compare the means which either party had at command, is stated to have cost the Swiss confederates only 122 men.\* The count of Kyburg arrived the morning after at Aarberg, with a reinforcement of four thousand men for the army of the princes, but his troops, hearing of the defeat of Laupen, disbanded and went to their homes. A desultory warfare, in which the Bernese had the advantage, continued for some time, and inflicted great evils upon the country. Queen Agnes of Hungary, from her convent of Königsfelden, succeeded in 1343, in establishing a truce, and afterwards strove to mediate a peace between the parties. At length the nobles, wearied out, made most of them their separate peace with Bern, and the town of Friburg not only followed their example, but some years afterwards entered, for the first time, into an alliance with the Bernese.

The city of Zurich began about this time to be distracted by internal dissensions, which continued for years, and brought that republic to the verge of ruin. The council was composed of four nobles and eight of the most influential burghers, who at the expiration of four months chose their own successors. Power and office were, therefore, in the hands of a few families, who were not responsible to their fellow-citizens for their public conduct, or for their employment of the public moneys. The citizens murmured but submitted, until at last one of the members of the council itself took their part and became their leader. Rudolph Braun was a man of great talents, but ambitious. He won to his side some of the other members, who supported the demand of the citizens that the council should produce the accounts of the public expenditure. But the majority of the members endeavoured by procrastination to avoid complying with this claim. At last the people, under Braun's directions, assembled in crowds round the town-house, and the obnoxious councillors left the hall, and afterwards the town, in alarm. Braun, supported by his friends, and invested with discretionary powers, formed a new government; he divided the traders and artisans into tribes or guilds, and separated them from the gentry and nobles, who together formed one class. One half of the council consisted of the heads of the guilds,

\* Rudolph D'Erlach the conqueror of Laupen, after peace was restored, retired to his patrimonial fields, having asked neither rewards nor office of his country, and there he lived to a peaceful old age. One day his son-in-law, Jobst Rudenz of Unterwalden, entered his cottage, and a dispute arose between them concerning the marriage-portion of Erlach's daughter. Jobst, in the heat of his passion, snatched the sword with which Erlach had fought at Laupen, and which was suspended to the wall, and pierced the old man to the heart. The murderer then ran away, pursued by his father-in-law's hounds, and was never seen or heard of afterwards.

and the other of members of the nobility, and each was to be renewed every six months. Braun was named burgomaster for life, with extensive powers. No alteration was made, however, in the relations of the town with the empire, to which it continued to own allegiance. The people sanctioned this new constitution in 1336. The heads of the trades, having seats in the council, used their newly acquired power each for the interest of his respective craft\*, by excluding all foreign competition, and preventing the country people from manufacturing goods. Another great object which they had in view, was to secure for the town the monopoly of the transit trade between Italy and Germany. The run-away councillors were banished for ever, with their adherents, and fines were levied on their property. But the exiles found refuge in the castles of the neighbouring nobility, and were especially supported by the count of Rapperschwyl, who was possessed of the Marches, the Gaster, and of several other districts. From his castle the discontented emigrants made frequent incursions into the lands of their countrymen. The people of Zurich, on their side, allied themselves with the count of Toggenburg, who was in continual war with the lord of Rapperschwyl concerning a disputed inheritance, when, after several engagements, the latter was killed, with many of his men, near Grybau. Years passed, during which time, former feuds being partly forgotten, several of the exiles obtained leave to return to Zurich. These, in concert with the rest of the emigrants, as well as with the neighbouring nobles, formed a conspiracy to get rid of Braun and his friends. Many of the conspirators came into the town under various pretexts, others were waiting outside for their friends to open the gates for them. A baker's boy overheard part of the plot in a house where the conspirators assembled. Braun was informed of it in the night, he put on his armour in haste, and ran to the town house, calling the citizens to arms. The conspirators, in a body, endeavoured to effect a retreat out of the town, but Braun, at the head of the citizens, met them in the market-place, and an obstinate engagement ensued, in which most of the conspirators were either killed or taken prisoners. The captives were beheaded or broken on the wheel, together with several citizens of their party. Braun then marched against Rapperschwyl, took the castle by storm, drove all the inhabitants out of the town, and then burnt it and razed it to the ground. The counts John of Habsburg and Ulrich of Bonstetten being taken prisoners, were kept as hostages. These events occurred in 1350.

The duke of Austria strongly resented the conduct of the Zurichers towards Rapperschwyl, the lord of which town was his relative, and he threatened the citizens with his vengeance. The nobility around rose

\* The chief manufactures of Zurich consisted then of silks, linen, and leather; the former article still continues to form in our days an important branch of its industry, together with cottons and muslins, of which latter Zurich produces the best in Switzerland.

also to avenge the humiliation inflicted on their own body. The people of Zurich, seeing the storm gathering, applied to the Swiss, and Zurich was received into their confederation as a fifth canton in 1351. But in consideration of the wealth and importance of the city of Zurich, the others yielded to it the first place in order of rank, and it has ever since been styled the first canton of the Helvetic body. This prerogative, however, gave Zurich no superiority over the rest, but merely constituted it as a central point where all the affairs which concerned the whole confederation were transacted; its deputies had also for a time the precedence in the general diets.

Albert, duke of Austria, repaired to Brougg in Aargau in the month of August, 1351, and there he assembled his forces. The city of Zurich sent a deputation to compliment him, and offer him presents. He received the deputies with apparent friendship, not manifesting his intention to them, except in as far as demanding the release of his relative, count John of Habsburg, who was kept prisoner in their town. But as soon as the deputies had left him, he assembled his bailiffs and vassals, and imparted to them his intention of taking a signal vengeance on the people of Zurich. He then formally demanded of the Zurichers that they should rebuild the town and castle of Rapperschwyl at their own expense, and restore the Marches, of which they had taken possession. Upon their refusal to comply with these conditions, he laid siege to Zurich with a considerable force. The Waldstätten ran to arms for the assistance of their new confederate. The duke of Austria, on his side, summoned the people of Glaris for their contingent. The latter refused, saying that "they were under the protection of the empire, and subject to the abbey of Seckingen, and bound to take up arms for the defence of these, but not for the private wars of the dukes of Austria." The duke, however, in his quality of *vogt* or warden of the abbey, understood the matter otherwise. Besides, he wished to occupy the country of Glaris, in order to check the people of Schwytz on that side, and prevent them from sending succour to Zurich. But the Schwytzers, anxious to secure their own frontiers, were beforehand with him; they occupied the country of Glaris in November of the same year, 1351, without striking a blow, and Glaris was received into the Swiss confederation, of which it formed the *sixth* canton. The people continued, however, with the religious honesty of the old Swiss, to pay their dues to the monastery of Seckingen until 1395, when the abbeys allowed them to redeem themselves.

The cavalry of duke Albert was stationed in the country of Baden, whence it made incursions into the lands of Zurich. The citizens having resolved to attack the enemy, advanced on Christmas-day, to the number of 1300 men, towards Baden, whose suburbs they destroyed, together with the baths, the Austrians having retired into the town. But the Zurichers were intercepted in their retreat near Mellingen

by 4,000 of the enemy, whom they bravely attacked; and, being joined by the contingents from the banks of the lake, they obliged the Austrians to retire, after the loss of 600 or 700 men. The Zurichers had captured at Baden a number of mares, which they drove towards the enemy's horses, and thus threw them into disorder—a stratagem which mainly contributed to the defeat of the Austrians.

Next year Walter de Stadion made an incursion into the territory of Glaris, but was defeated and killed near Näfels. The people of Glaris pursued their advantages, and laid siege to the town of Zug, an hereditary possession of the duke of Austria. Deputies from Zug repaired to Königsfelden, where duke Albert was quietly enjoying the sports of the chase, whilst a war, in which he had wantonly engaged, was desolating the territories of his own subjects. The deputies, who came to implore his assistance, found him engaged with his falconer: he would hardly listen to their urgent requests for assistance, and told them peevishly, that they might, if they chose, give themselves up to the Swiss. When this answer was reported to the people of Zug, they immediately followed the duke's advice, and were readily received, in 1352, into the Swiss confederacy, of which they formed the *seventh* canton.

The duke of Austria arose at last from his apathy, and a second time laid siege to Zurich, in the month of July; but seeing no better chance of success than before, he listened to the proposals of the margrave of Brandenburg, who negotiated peace, or rather a truce, on condition that the duke should acknowledge the alliance of Glaris and Zug with the Swiss, with the understanding that the taxes and fees due to him in those countries\* should continue to be paid, and lastly that the Zurichers should restore the count of Habsburg to liberty.

The republic of Bern, which had of late greatly extended its dominions both by arms and by purchases, having some differences with its subjects of the Oberhasli, the cantons offered their mediation, and in 1352, a diet was held at Luzern for that purpose. On this occasion the three first cantons proposed that Bern should enter into the Swiss alliance. The Bernese, grateful for the assistance the Swiss had afforded them at the battle of Laupen, readily accepted the offer. Bern was thus received into the confederation, of which it formed the *eighth* canton. This important accession imparted to the Swiss confederacy a reputation for power and stability which it had not till then enjoyed. It also led to the settlement of a general system of polity among the Swiss, which, while keeping inviolate the independent sovereignty of each canton, provided for cases where a diversity of interests might lead to a rupture. This last and most difficult object was obtained by

\* Albert I. of Austria had purchased, in 1308, the mayorship of Windeck; he was already in possession of the avouerie of Glaris, and he held the county of Zug as an hereditary possession of the house of Habsburg. Thus the house of Austria had the higher jurisdiction in these countries, modified by the privileges and franchises of the inhabitants.



constituting the deputies from each state, into a diet or representative council of the whole Helvetic body, to whom the neighbouring princes might accredit their ministers, and before whom all important affairs concerning the general welfare of the country might be discussed and concluded.

The eight cantons above mentioned—Schwytz, Uri, Unterwalden, Luzern, Zurich, Glaris, Zug, and Bern, constituted for more than a century the whole federative republic of the Swiss, and even after the accession of other cantons they retained, together with the title of the *eight old cantons*, a superiority over the younger members of the league. During that period they made considerable conquests, which were distributed among themselves according to the decrees of the diets.

The truce which duke Albert had made with the Swiss was not of long duration. He soon pretended that the stipulation which secured to him his rights in the cantons of Glaris and Zug, meant the annihilation of their alliance with the Swiss. The affair was brought before the emperor Charles IV., who, after some vacillation, finding that the Swiss would not hear of any infraction of their confederation, took the part of the duke of Austria. The Austrians renewed hostilities in July, 1354, by laying siege, for the third time, to Zurich. The emperor joined them with the troops of the empire, as well as those of Soleure, Schaffhausen, and several other imperial cities. The combined army amounted to more than 40,000 men. The garrison of Zurich, reinforced by contingents from the other cantons, held out for several weeks against their numerous enemies; at last they hoisted on one of the towers their great banner, which consisted of the arms of Zurich surmounted by the imperial eagle; this reminded the contingents of the free towns that they were waging war against one of their own body. The Zurichers also secretly made representations to the emperor, who, naturally jealous of the power of the house of Austria, and weary of a war from which he could expect no advantage, at length withdrew his troops; and duke Albert, weakened by this defection, raised the siege. A desultory warfare, however, continued to be carried on; fresh negotiations followed, and the emperor was again appealed to on the question of the alliance of Zug and Glaris. At last duke Albert fell ill at Vienna, and Rudolph, his son, a prince of a mild and upright character, promised to arrange matters satisfactorily, which, however, he was unable to do until after his father's death in July, 1358\*. It was then stipulated that Glaris and Zug should remain in the confederation, and that the house of Austria should preserve its rights and dues in those countries; but, in order to prevent its officers from encroaching on the liberties of the

\* Duke Albert II. of Austria was the son of the emperor Albert, murdered at Königsfelden, and of Elizabeth of Carinthia. He left three sons, Rudolph, Albert, and Leopold, the last of whom, the second of his name, was afterwards killed at Sempach. Leopold I. who fought at Morgarten, son of the emperor Albert, and brother of duke Albert, died in 1326.

people, the landamman of Zug was to be chosen from among the people of Schwytz, and the avoyer, or bailiff, of Glaris from those of Zurich. Thus peace was at last re-established in Switzerland.

Disturbances arose in the western districts, between the bishop of Basle and the Bernese, on the subject of the town of Bienne. Bienne was an imperial town, but the counts of Neuchâtel had the wardenship of it, an office which, like all the other dignities of the empire, had become hereditary in their family. In the feuds between the bishop of Basle and the counts of Neuchâtel, the former obtained possession of the avouerie of the town of Bienne, which the emperor Rudolph of Habsburg confirmed to them. But the burghers had formed alliance with the towns of Friburg, Soleure and Bern\*, without any opposition on the part of the bishop. In 1352, however, the burghers rendered their alliance with Bern perpetual, and thus gave offence to the bishop, who arrested several of the leading men of Bienne to force them to break the alliance. The Bernese marched, in 1367, to the assistance of their neighbours; but arrived too late. The count of Nidau, an old enemy of Bern, had plundered Bienne and set it on fire. The war continued next year, between Bern and Soleure on one side, and the bishop's troops on the other. The latter were defeated at the narrow pass of Pierre Pertuis. Peace, however, was made between the parties, the Bernese paying three thousand guilders to the bishop.

The whole of Switzerland now enjoyed tranquillity, until in 1375, an army of strangers, French and Englishmen, after ravaging Alsace and the borders of the Rhine, invaded the country on the banks of the Aar, and, carrying fire and sword, advanced along the Limmatt as far as Wettingen. This unexpected irruption, which recalled to mind the former incursions of the northern tribes, was led by Enguerrand de Coucy, a French nobleman, who had inherited, through his mother, a grand-daughter of the emperor Albert, several towns and castles in Alsace and Aargau, of which, however, he had never obtained possession. Leopold of Austria, Enguerrand's cousin, refused to deliver up to him his mother's portion, and Enguerrand, who had married Isabella, princess of England, availing himself of the peace between that country and France, came with a large army of adventurers, chiefly English, to regain his inheritance by force of arms. The count of Nidau, who was the first attacked, offered little resistance; his jealousy of the Bernese made him perhaps see with little regret the storm approaching their territory. He was, however, himself killed by the English in his town

\* These alliances, or *coburgerships*, were very common in Helvetia under the empire. The emperors had the nominal authority over the whole country, but being unable to protect the rights of particular communities, not only the towns among themselves, but even the great lords and their vassals, contracted alliances with the latter, who having the *right of banner* granted by charters, could stipulate to give and receive assistance in case of need. These alliances also served to regulate differences which broke out among the various neighbours, at a time when no public right or judicial forms existed for the whole country.

of Buren. The invaders, dividing their forces, advanced with a strong party towards Bern. One of their principal leaders, a Welshman, erroneously styled by the chroniclers as duke of Wales, encamped at Frauenbrunnen, on the road to that city. Having met little or no opposition so far, the English were reposing in security, when in the night of the 26th and 27th of December, the Bernese surprised their camp. They found little resistance except in the convent, where the principal officers were lodged, and where they fought singly in the corridors and cells. The English were thrown into confusion and dispersed in the darkness, with the loss of 800 men. Others of their bands met with similar reverses in various parts of the country. The lord of Coucy, who had his head quarters at the abbey of St. Urban, seeing this, and finding that he could not maintain discipline in his motley army, or procure provisions in a country which he had ravaged, began his retreat, and returned to Alsace, which he completely devastated. This expedition was called by the Swiss the war of the *Guglers*, from the pointed kind of helmet which the English wore, and which in German is called *gugelhut*.\*

Count Rudolph of Kyburg, landgrave of Burgundy and count of Neuchâtel, having had disputes with the people of Soleure on the subject of some border districts, attempted to surprise that town. The Bernese hastened to the assistance of their old allies, and in 1383, their united forces made incursions on the lands of Kyburg, and besieged the town of Berthoud†. The Swiss confederacy, at the request of Soleure, sent to inquire of Leopold II. of Austria, son of the late duke Albert, whether he supported the pretensions of the count of Kyburg, and Leopold promised them to remain neutral. Nevertheless a party of 200 Austrians threw themselves into the town of Berthoud, and thus prevented the surrender of the place. The Swiss were indignant at the duplicity of Leopold, but as the quarrel was not one of their own, and as their truce with the duke of Austria still continued, they withdrew their contingent, and left the troops of Bern and Soleure alone. Count Rudolph of Kyburg having died in 1384, his sons made peace with the Bernese, selling to them the county of Berthoud for the sum of 30,800 guilders, and resigning their rights over the county of Thun, which Hartmann of Kyburg had mortgaged to their father some years before. The history of Bern is more remarkable than that of the other Swiss cantons by the steady policy which that republic pursued in gradually extending its territory, either by conquest or by purchase, at the conclusion of every war. The large sums which it paid for this object prove also its wealth, and the economical administration of its finances.

The truce which still existed between Austria and the Swiss cantons

\* A monument, with an inscription in German and Latin, near Frauenbrunnen, was raised to perpetuate the memory of this singular episode in Swiss history. See Appendix, No. 1.

† Teutonic Burgdorf, one of the principal towns of the present canton of Bern after the capital.

did not prevent Leopold from annoying the confederacy in several ways. He established a fresh toll at Rothenburg, which proved to be very oppressive to the traders of Luzern. The people of this town, without the knowledge of their magistrates, marched to Rothenburg in 1385, demolished the castles and the walls of the town, without, however, injuring the persons or the property of any of the inhabitants. This led to a renewal of the war. The canton of Luzern had admitted into its community the districts of Entlibuch, and the towns of Sempach and Richensee. A garrison of 200 men defended Richensee, but the partisans of Austria surprised the town and took it by storm in 1386, when they slaughtered or threw into the lake the whole of the inhabitants without distinction of age or sex. Richensee was utterly demolished. The confederates on their side took the town of Meyenberg; but, on the approach of the Austrian forces, they abandoned it, and, after removing the inhabitants with their goods to a place of safety, set the houses on fire. Such was the devastating character of that contest.

At last Leopold himself came to Switzerland to carry on the war with more vigour. Having at first made some demonstrations against Zurich, the other cantons sent 1600 men to reinforce that city. But on hearing that Leopold was marching upon Sempach, they hastened in the same direction, and arrived before the town at the same time as Leopold. The cantons had demanded the assistance of Bern, but the Bernese, exhausted by their contest with the house of Kyburg, and the expense and taxation consequent upon it, were unable to fulfil their engagements towards their allies. In fact many of the burghers murmured against their government, on account of the burthens it had entailed on them, necessary as these were for the preservation of their independence, and the stability of the republic.

Meantime Leopold's advanced guard, 1400 strong, committed all sorts of excesses on its line of march. Rutschman of Reinach, who commanded it, approached the walls of Sempach mounted on a cart full of ropes, threatening to hang all the burghers before sunset. The duke followed him close with a body of 4000 picked men fully armed, among whom were a number of counts, knights, and noblemen of the first rank. The Swiss confederates did not muster above 1300 men, all on foot, badly armed, having only their long swords and their halberds, and boards on their left arms with which to parry the blows of their adversaries. Their order of battle was angular, one soldier followed by two, these by four, and so on. Thus on the 9th July, 1386, did this handful of men advance towards the Austrians. The knight Ulrich de Hasenburg, seeing their firm step and steady demeanour, advised Leopold not to accept battle that day, but to wait for the reinforcement of the baron of Bonstetten; his advice was, however, disregarded, and Leopold and all his noblemen, alighting from their horses, placed themselves at the head of their men. The Swiss could at first make no

impression on the close ranks of the Austrians, all bristling with spears. But Anthony Zer Port of Uri cried to his men to strike with their halberds on the shafts of the spears, which he knew were made hollow to render them lighter; and, at the same time, Arnold of Winkelried, a knight from Unterwalden, devoting himself for his country, cried out, "I'll open a way for you, confederates;" and seizing as many spears as he could grasp in his arms, dragged them down with his whole weight and strength upon his own bosom, and thus made an opening for his countrymen to penetrate the Austrian ranks. This act of heroism decided the victory. The Swiss rushed into the gap made by Winkelried, and having now come to close quarters with their enemies, their bodily strength and the lightness of their equipment gave them a great advantage over the heavily armed Austrians, who were already fainting under the heat of a July sun. The very closeness of the array of the Austrian men at arms, rendered them incapable either of advancing or falling back, and the grooms who held their horses having taken flight, panic seized them, they broke their ranks, and were hewed down by the Swiss halberds in frightful numbers. Duke Leopold was urged by those around him to save his life, but he scorned the advice; and seeing the banner of Austria in danger, rushed to save it, and was killed in the attempt. The rout then became general, but the Swiss had the humanity, or the policy, not to pursue their enemies, of which otherwise not one perhaps would have escaped. The loss of the Austrians amounted to 2000 men, including 676 noblemen of the first families of Germany and of Aargau, 350 of whom wore coronetted helmets. Most of them were buried at Königsfelden, with their leader Leopold. The Swiss lost 200 men in this memorable battle, the second in which they had defeated a duke of Austria at the head of his chivalry.

The sons of Leopold continued the war; Bern was again urged not to abandon its confederates, who had, on former occasions, been ever ready to rush to its assistance, and who now began to reflect on the calculating policy of that growing republic, which seemed too much absorbed by its particular interests to hazard any thing for the common cause of the confederation: and this stigma has attached to the Bernese councils even down to the fall of that state in our own days. At length, yielding to their remonstrances, Bern declared for the confederates, proclaimed war against Austria, and overran the dependencies of that power in Friburg and Valengin. The Swiss, on their side, took the town of Wesen and other districts. A truce was agreed on, which lasted till 1388, when hostilities were renewed with fresh fury. The Austrians retook Wesen by surprise, and put to death the bailiff of Uri and the Swiss garrison. From that position they annoyed the canton of Glaris, and in April invaded that country with several thousand men. A few hundred men of Glaris and Schwytz, unable to oppose any resistance, retired to the mountains in the interior. The Austrians took the village of Näfels and

burned it; but as they approached, on the 9th of April, the positions of the men of Glaris, they were received with a shower of stones, which made them fall back, and the Swiss, availing themselves of their confusion, rushed down upon them, and forced them to retreat in disorder. When the Austrians arrived on the bridge on the Linth near Wesen, they were met by another body of 700 men of Glaris, and the combat began afresh. A number of Austrians were drowned in the river by the breaking down of the bridge; and the victory of Näfels was equal in its results to those of Morgarten, Laupen, and Sempach, and was the *fourth* great triumph of the confederates.

The Bernese and the people of Soleure took Nidau and Büren, where the Austrians had placed garrisons, and Bern conquered, on its own account, the upper Simmenthal and other places. At last, in 1389, a truce was entered into with the duke of Austria for seven years, on condition that the Swiss cantons, during that period, should retain possession of their conquests, with the exception of Nidau and Büren, which belonged to the lord of Coucy, to whom they were delivered up. This truce was renewed in 1394 for twenty years longer, and was faithfully maintained by both parties till 1415.

The Swiss availed themselves of this long period of peace for the purpose of organising their military discipline. A series of regulations were framed at Sempach in July, 1393, of which the following articles might afford a lesson to nations boasting of much greater civilization:—1st, Not to attack or injure any church or chapel, unless the enemy have retired into it. 2d, Not to violate or insult any females. 3d, Every Swiss engages to sacrifice his property and life if required for the defence of his countrymen. 4th, No Swiss shall abandon his post even when wounded. 5th, It is forbidden to any man to straggle for the sake of plunder without leave from his captain, or to appropriate to himself any part of the booty, which must be all reported and divided equally and in good faith. 6th, Whoever shall bring provisions to the confederates shall be protected and receive a safeguard. 7th, Each of the eight cantons engage not to undertake any war, unless it be approved of by the rest. 8th, No Swiss shall take away anything from any of his countrymen either in peace or war.

Guided by such honourable principles, to which they strictly adhered during the first ages of their independence, the Swiss carried the discipline of their armies to a perfection never surpassed by any nation, and this discipline, joined to their well known intrepidity and their strict fidelity to their oaths, brought them into the highest repute among the powers of Europe\*.

The defeats of Sempach and Näfels gave to the Austrian power in

\* General Baron de Zurlouben has written a military history of the Swiss, in which the reader may find numerous professional details on this subject.

Switzerland a blow from which it never recovered. The feudal nobility, the vassals of Austria, had lost in those fights their bravest leaders, and the dukes of Austria, occupied with other matters, neglected the affairs of Switzerland. The feudatories, finding themselves unsupported, made the best terms they could with the cantons; some of them being in want of money sold or mortgaged their estates and jurisdictions to the wealthy towns of Zurich, Bern, or Soleure, others entered into cöburcherships with them, engaging to assist them in their wars. In a few years more than forty lordships belonging to the dukes of Austria, or to vassals of that house, came into possession of the Swiss confederates, especially of Bern and Zurich. Rudolph, lord of Aarburg, became a burghess of Bern in 1385, and he sold to the Bernese his castle of Simmenek, which commanded the pass leading into the Simmenthal, or valley of the Simmen, an Alpine river which rises in the high ridge on the Valais border, and flows into the lake of Thun. The Bernese were already possessed of Mannenberg, and other places in the same valley. The heiress of Wyssenberg sold likewise to Bern her lordships of Unspunnen, Oberhofen, and the town of Unterseen, between the lakes of Thun and Brienz. The fine and extensive valley of Frütigen, watered by the Kander and forming part of the district which is now generally called by the name of the Bernese Oberland, or Highlands, was sold to Bern by the baron of Thurn, whose mismanagement had involved him in difficulties. When the inhabitants of Frütigen heard of the negotiation for the sale, they all agreed to strain every nerve in order to redeem the seignorial fines and dues which had been transferred to their new masters. Every one contributed for this purpose his little savings, and it is stated in an old song, quoted by Müller, that the whole valley engaged not to eat beef for seven years in order to free themselves and their descendants from feudal burthens. Bern accepted the redemption money, and Frütigen, thanks to those public-spirited peasants, became a free untaxed district subject to Bern, and such it remained for ages after, until the fall of the republic.

Other feudal lords who had become cöburchers of Bern sold to that city their dominions, castles, and jurisdictions in the fertile district called the Emmenthal, or valley of the Emmen, near the borders of Luzern, and one of the richest grazing lands in all Switzerland. Thus Hutwyl, Sumiswald, the Krauchthal, and other places, came into the possession of Bern. Ego and Berthold, counts of Kyburg, gave up to Bern the landgraviat of Burgundy, a jurisdiction so called, the relics of a former and prouder lordship, and which extended from Thun to the bridge of Arwangen. Landshut remained, the last estate of the counts of Kyburg in Helvetia; this too they sold, and after passing through several hands it came into possession of a Bernese family. Count Ego of Kyburg forsook Helvetia, where his ancestors had been long wealthy

and powerful, and withdrew to St. Dizier, in Champagne, where his wife had some property, and there he died in the early part of the fifteenth century; about a century and a half afterwards Hartman the younger, the head of his family, divided with his cousin Rudolph of Habsburg, the rich inheritance of the houses of Kyburg and Zähringen.

In 1293, Leopold, duke of Austria, and son of the Leopold who was killed at Sempach, came to Baden on the Limmat, and from thence he endeavoured to sow dissension among the Swiss, with whom, however, he was at peace at the time. He succeeded in bribing Rudolph Schön, burgomaster of Zurich, and some of the other councillors of state, or members of the executive, who agreed to conclude a treaty offensive and defensive between Zurich and Austria, one of the conditions of which was that Zurich should not support the other cantons in the possession of the territories they had seized during the last war. A draft of the treaty was made out and sent to Leopold for his sanction. All this was done by the burgomaster without consulting the great or legislative council of Zurich. Meantime the other cantons, having heard of the negotiation, became alarmed, and sent deputies to Zurich to remonstrate against a transaction which they denounced as a treason against the federal alliance which bound Zurich to the rest of the Swiss. But the notions of federal compact and federal duties were not very clear or definite at that time, as had been seen by the instance of Bern refusing assistance to the confederates before the battle of Sempach\*. The Zurich magistrates contended that in contracting the alliance with the duke of Austria, they were within the sphere of their legitimate functions. The Swiss deputies then insisted upon the question being referred to the Great Council; and they appealed in public to the citizens whom they met in the streets. These adopted the same view of the matter, and angrily and clamorously demanded the convocation of the Great Council. The magistrates were obliged to comply, and the Great Council being assembled, summoned a meeting of the commune or general assembly of the citizens. These impeached the magistrates, and ordered them for trial before the Council of Two Hundred or Great Council, which, after hearing the parties and examining the evidence, pronounced that the alliance with Austria was illegal, and condemned Rudolph Schön, and seventeen other individuals concerned in it, to banishment. After this the council and burghers together adopted several resolutions, to the effect that in future the burgomaster, and councillors of state, and tribunes, should be renewed every

\* The Bernese alleged a separate truce which they had with duke Leopold, and which would not expire for some months. This refusal of Bern to aid its confederates, who had so generously come to its assistance at Laupen, has often been made a subject of reproach against that state. It is recorded that when the deputies of the Waldstätten received the refusal from the president of the Bernese council, they turned away in silent indignation, left the senate hall without uttering a word, and immediately set off to return to their constituents.



six months; that the councillors should be chosen from among all classes of citizens without exclusion; that all questions should be decided by majority of votes, and quickly; and that in cases of indecision, or delay, the tribunes should interfere and give their opinion, and that any councillor or tribune should be at liberty to propose to the Great Council any motion he might think proper.

Duke Leopold being thus baffled in his scheme of detaching Zurich from the confederation, and unwilling to recommence hostilities, entered into a fresh treaty with the Swiss in 1394, renewing the former truce for twenty years longer, and regulating the question of their recent acquisitions. By this treaty he acknowledged Sempach, Hochdorf, Rothemburg, and the Entlibuch, as subjects of Luzern; the Entlibuch, however, was to pay 300 livres annually to the duke. He gave up to Glarus and Zug all jurisdiction within their respective cantons, and specified the dues which they were still to pay to the dukes of Austria or their vassals. There is a curious fact elicited by this treaty, and highly creditable to Swiss honesty, that notwithstanding that the Waldstätten had been independent for nearly a century, during the greater part of which they were at war with Austria, there were still certain inhabitants of Schwytz whose ancestors had stood in the relation of feudal dependants of Austria, and who continued to pay seignorial dues to the duke, amounting in all to thirteen livres annually, which sum was by the present treaty ceded to the canton itself. The territories acquired by Bern and Soleure were acknowledged as belonging to them, but the Iselgau, a valley which extends along the Aar from Aarberg to the Thiele, and the possession of which was disputed between Freyburg and Bern, was referred to umpires. It was, however, ultimately given up to Bern. The possession of several fiefs acquired by Zurich was also confirmed by the treaty, and the others were restored to Austria or its vassals.

It was after the death of duke Leopold, and during the disputed successions and weak administration of the dukes Albert IV. and Albert V., that Austria lost her remaining influence in Helvetia. Zurich availed itself of the opportunity to make fresh acquisitions; she purchased of the neighbouring lords Grüningen, Küssnacht, Goldbach, Meila, and other places near the lake, by the payment of considerable sums, to which all the burghers contributed. The inhabitants of those places retained their ancient usages and franchises. At Grüningen the administration of justice was entrusted to twelve inhabitants, under the presidency of a bailiff from Zurich, in the same manner as it had been exercised previously under that of an Austrian governor, and the criminal court was formed by convoking all the heads of families in the commune. As the administration of Zurich was just and orderly, and afforded peace and security, its subjects prospered, and other lords and towns sought its alliance. The abbot of Einsiedlen put his castle of Pfeffikon in coburgership with Zurich. The abbot of Cappel became likewise a

coburger, as well as the lord Johann von Bonstetten for his domains of Uster, Sax, Wilberg, and Gundisau, with the condition, however, that he should retain his dominion over his serfs, even if they should come to live upon the territories under the jurisdiction of Zurich. The lord of Bonstetten bound himself to furnish Zurich with armed assistance when required, but no contribution of money.

From the above narrative it may be perceived that the town cantons of the Swiss confederation, namely, Zurich, Bern, and Luzern, at that period did not form compact bodies under a uniform administration emanating from a central government as is the case now. The chief town, with its banlieue, was the ruling republic, and exacted certain duties and contingents of men and money from the subject territories, which it had gradually acquired by conquest or purchase, leaving them, however, their local usages and franchises, regulated by the relationship in which they had stood towards their former lords, who had more or less authority over their feudal dependants according to the terms of the original grant or investiture by which they had obtained the fief. The cantonal towns of Luzern, Zurich, Bern, &c., therefore succeeded to the rights of the former lord, and exacted feudal dues unless the inhabitants redeemed them by mutual consent. Besides these subjects, there were the coburgers, consisting either of lords or of towns, which had redeemed themselves from feudal vassalage and become free, and who bound themselves to one of the cantons by alliance, for mutual support, under conditions more or less strict, and when summoned in case of war, joined their respective banners to that of the chief town. In after times, and during the wars of the fifteenth and sixteenth centuries, most of the feudal families either became extinct, or lost or sold their estates; these were then incorporated with the neighbouring cantons, whose territories became thereby more compact and uniformly administered.

The district or canton of Zug, when it belonged to the dukes of Austria\*, consisted of the town of the same name, and of the three communes of Menzingen, Baar, and Egeri, and the custom was that in all questions concerning the whole district, the three communes, when unanimous, carried their motion against the town, but that the town and one of the communes carried theirs against the other two communes. The banner of the canton, however, was kept in the town of Zug. Some time after the canton of Zug had joined the Swiss confederation, the three communes resolved not to leave the banner and the seal of the canton any longer exclusively in the hands of the burghers of Zug. The town proposed that the question should be referred to the decision of the whole confederation, but the country people rejected the proposal, asserting that as by the treaty of perpetual alliance between the cantons, made at Luzern in 1352†, it was agreed "that each town, district, village, or farm, belonging to any one of the members of the confederation, shall retain entire

\* See p. 59.

† Ibid.

its laws, franchises, constitutions, rights, and usages, such as have remained to this day, and shall not be disturbed in the enjoyment of them;" the very words of the alliance confirmed the ancient usage, giving an ultimate power of decision to the three communes, inasmuch as the alliance had not been concluded with the council and burghesses of the town of Zug alone, but with all the members of the ancient bailiwick of Zug, which included the three communes. This dispute created a great stir in the neighbouring canton of Schwytz, most of whose councillors were of opinion that the appeal of the burghers of Zug ought to be attended to, and that the question ought to be decided by a sentence of the federal body. But others, and they formed the more popular party in Schwytz, maintained that the three communes were in the right, that they were confederates as well as the town, and that the majority ought to make law. Two serious consequences, which in after times often divided the public mind in Switzerland, resulted from this affair of Zug. One was that jealousy which began about that time to manifest itself between the rural cantons (the three Waldstätten and Glaris) and the town cantons. The former being constituted on the principles of pure democracy and universal suffrage, which was in harmony with the social condition, simple habits, and no great inequality of fortunes of their rustic inhabitants, felt their sympathies moved in favour of the rural population of the neighbouring districts, who were subject to the chief towns of the other cantons, whose government, as we have seen above, was municipal, like that of the Italian republics of the middle ages. These cantons grew out of the free imperial towns; the town was the original republic, and as it extended its territory by conquest or purchase over districts in a state of vassalage, it retained over those districts the rights of sovereignty of their former lords. Whenever, in after times, disputes arose between the towns and their subjects, the popular feeling of the democratic cantons was generally on the side of the latter, and against the ruling burghers of the towns, whose manners, wealth, and refinement were uncongenial, if not offensive, to the primitive republicans of the Waldstätten. The second important result of the affair of Zug was the starting for the first time of the question concerning the competence of the confederate body as a supreme tribunal for deciding on the internal dissensions of any individual canton—a question of momentous importance in a federal state. In the present instance of Zug, all the cantons, except Schwytz, exhorted the three communes to submit their differences with the town of Zug to the decision of the confederates. But some popular leaders in Schwytz denounced this "as an attempt to deprive their friends and neighbours, the free-born peasants of the canton of Zug, of their liberties." The people of Schwytz assembled in their villages, took loudly the part of the three communes, ill-treated their own magistrates, who endeavoured to pacify and to reason with them, tumultuously demanded the banner of Schwytz to be brought out and

unfurled, and, without waiting for the decision of the council, they marched in a disorderly mass to Zug, surprised the town, and obliged the burghers to promise that they would submit their dispute with the communes to the decision of the people of Schwytz assembled in *landsgemeinde*. But the deputies of the other cantons having hastily assembled at Luzern, ordered that the militia of that canton, being the nearest, should march directly upon Zug, and that the militia of the other cantons should follow. In three days 10,000 men were assembled in the territory of Zug. Bern sent many of its councillors, Glaris sent six, and Soleure as an ally, though not yet a canton, sent four, to act as mediators. The three communes having assembled at Baar, promised to submit to the decision of the confederates. The deputies of the cantons having assembled at Beggenried, not far from the plain of Grütli, the cradle of Swiss independence, decided that the pretensions of the three communes concerning the banner and seal of Zug should be rejected, that both burghers and country people should obey the landamman and council of Zug elected agreeably to the existing laws, and that none of them should in future presume to appeal to Schwytz alone. Schwytz was condemned to pay 600 florins as an indemnity to the town of Zug, and 400 to the confederation; and it was at the same time enacted, that whoever in the canton of Schwytz will not submit to the present sentence shall be punished as a disturber of the public peace, or given up, person and property, into the hands of the confederates, to be treated as a dishonourable and perjured criminal. The people of Schwytz, naturally warm-tempered, but honest, submitted to this decision, and vented their indignation upon the agitators who had misled them, and who, to the number of eight, were expelled from the council, and fined 200 florins among them. The rest of the fine was paid out of the public purse of the canton. It was decided at the same time by the federal deputies, and agreed to by the cantons, that each canton is at liberty to change its internal institutions, and adopt a new constitution, but that this can only be done by orderly and legal means, and never by violence; and that whenever two parties cannot come to an agreement, and that one of them appeals in a becoming form to the decision of the confederation, the other party must abide by the sentence. Thus ended the first intestine quarrel which broke out in a serious shape amongst the Swiss confederates, and which involved a question of vital importance to the very existence of the federal bond, a question which has often recurred since, even to the present day.

Shortly after this, the inhabitants of Hünenberg having redeemed their feudal dues to their lord by payment of 120 florins, voluntarily joined the people of Zug. They assembled once a-year under a linden tree, chose their local authorities from among themselves, and their bailiff among the burghers of Zug, and resorted to the judicial court of Zug for appeal from the decisions of their own magistrates.

Luzern purchased, in 1405, of the duke Frederic of Austria, for 3000 golden florins, his seignorial rights over the large and fertile valley of Entlibuch, a fine grazing tract which lies south-west of the city of Luzern, between the canton of Unterwalden and the Bernese Emmenthal, and whose inhabitants are remarkable for their robust forms, their fondness for gymnastic exercises, their independent spirit, native humour, and taste for music. The duke administered the forest laws, exercised civil and criminal jurisdiction, and exacted feudal services and fees. He used to appoint a bailiff, by whose advice the people chose forty councillors, of whom fourteen were assessors of the bailiff, and, with him, formed the judicial court, which decided by majority of votes. The fines, which formed an essential part of most sentences, were divided between the bailiff and the duke. This constitution was maintained by Luzern, who thenceforth appointed the bailiff; but some of the more vexatious feudal dues, such as that of oats and fowls, were redeemed by the people of Entlibuch at the price of 2500 florins. The people of Entlibuch were bound to send an armed contingent at their expense in the wars of Luzern. The Entlibuchers, however, wished to be considered as allies, and not as subjects, and were hurt at their seal being removed to Luzern; this afterwards afforded a motive for repeated insurrections.

Luzern purchased also Rotenburg, Willisau, Büren, Merischwanden, and the bailiwick of Ebikon. In all these places the general custom was for the inhabitants to choose their bailiff from among the councillors of Luzern. William of Aarberg, avoyer of the parish of Russwyl, sold his tithes and right of presentation to the hospital of Luzern for 1200 florins. It has been remarked already that throughout all the revolutions and conquests of the early Swiss, individual rights and vested interests were generally respected, and at the peace they were either restored to the proprietor, or valued and redeemed by money; a just and wholesome principle, often lost sight of by other nations who lay claim to a higher social refinement than those old mountaineers. And it was probably owing to this scrupulous respect for justice that Swiss independence became consolidated, and being cemented, as it were, by opinion, religion, and morality, stood the brunt of ages of political storms, during which many other republics have disappeared from the face of Europe.

The emperors of Germany, Wenceslas, Robert and Sigismund, whose interests were distinct from, and often at variance with, those of the dukes of Austria, seemed, in many instances, to favour the aggrandisement and total emancipation of the Swiss towns and cantons, by giving up to them whatever remains of imperial jurisdiction the emperors might still claim over them. Thus, Wenceslas made over to Luzern the *jus gladii*, and likewise gave up to Zurich his right to the appointment of its bailiff to judge in capital cases. Similar cessions were afterwards made

to Soleure, Glaris, Zug, and other cantons. Wenceslas also gave his sanction to the establishment of a great fair at Zurich at Whitsuntide, which, being frequented by merchants from Italy, Germany, and other countries, became a source of wealth to the town. The coin of Zurich was the best in Switzerland, and severe punishments, such as amputation of the hands, were resorted to against those who clipped, filed, or otherwise deteriorated it. A similar punishment was inflicted upon those who attempted to export it out of the country. At that time bullion was scarce and very valuable, much could be done with small sums, the sound principles of commercial intercourse were not understood, and the possession of hard sounding coin was considered as the chief strength and sinews of a state. For other offences, except deliberate murder, punishments were lenient, being mostly banishment in the first instance, but death was often awarded to those who broke their ban.

The *pfaffenbrief*, one of the earliest enactments of the *Jus Helveticum*, or federal law of the Swiss, was framed at Stanz, in the Unterwalden, in October 1470, by common agreement between the three Waldstätten, Zug, Luzern and Zurich, in consequence of some overbearing acts of the prior of the chapter of Zurich. The dignitaries of the Swiss church, like those of Germany, united in their persons feudal as well as ecclesiastical prerogatives, which they were inclined to stretch to the utmost. The Swiss, however, were among the first people in Europe to draw a proper distinction between the spiritual and temporal jurisdictions. By the *pfaffenbrief* (priest's law) it was resolved—"that the Swiss would defend their laws and liberties against any authority, ecclesiastical or secular, and against any other power whatever. Nobles and villains, priests and laymen, all subjects of either Austria, or any other power, while inhabiting the territory of the confederation, were bound to contribute to the honour and profit of the same. No personal violence was allowed, no appeal to foreign lords or courts, no endeavour to bring a suit before a powerful neighbour. The clergy were especially forbidden from trying temporal suits by canonical process. A confederate could be tried only by his natural judges. Any priest who should attempt anything contrary to these regulations, was to be considered as an outlaw, and to be cast out of all communion and protection, or hospitality. All the roads across the territory of the confederates from the *foamy bridge*, (the Devil's bridge, at the foot of St. Gothard,) to the town of Zurich, to be open to all, and no one to be molested for debt, without the sanction of the government\*."

In the midst of the successes of the town cantons, the municipal institutions of the ruling towns, which were originally popular, gradually assumed an aristocratic character. At Bern the offices of state were, by tacit assent, allowed to be retained, for an indefinite period, by indivi-

\* Tschudi *Chronicon Helveticum*, under the year 1470.

duals who had rendered services to their country, and even by their families, and heirs after them. Now and then, however, popular jealousy took the alarm, and enforced the observance of the old *handfeste* or charter given to the town by the emperor Frederic II., which provided that every year the Council of Two Hundred should be renewed, a statute which had fallen into desuetude. The avoyer von Bubenbergh, who had distinguished himself by his firmness in the war of Laupen, and had rendered other important services to the state, having become obnoxious to many, who imputed pride and haughtiness to him, was banished for 100 years, together with all his family, by a vote of the popular assembly, and he retired to his native castle. In 1352, fourteen years afterwards, voices were raised for his recall, and found favour among the people, but were opposed by the council, who alleged that a decree of the people was irrevocable. The people now became as clamorous for Bubenbergh's recall as they had been before for his banishment; they demanded that the *handfeste* or charter should be read, in order to ascertain whether it contained any clause rendering the decrees of the people irrevocable. The town-clerk, in reading the charter, purposely omitted a passage in which it was stated that any resolution was legal which was for the advantage of the city. One of the bystanders, perceiving the fraud, threw a bunch of cherries upon the face of the town-clerk, who let the charter fall, when one of the burghers took it up and read the passage aloud. The recall of Bubenbergh was then voted by acclamation. The exile, then ninety years of age, was received in triumph, and soon after expired in peace within that city which he had been instrumental in saving.

The principle of annual election, however, having become again neglected from some cause or other, a general assembly of the burghers, held on Good Friday, 1374, resolved that as, according to the letter of the *handfeste*, the magistrates should be renewed every year, all the actual magistrates were deposed, after which new ones were elected more acceptable to the people. This ebullition, however, was but momentary; the new magistrates contrived to evade the law of the annual renewal, and things went on as before. And in order to restrain the popular discontent, a secret tribunal was instituted which received private information, and condemned several citizens to exile and other punishments. Any one was forbidden to appear in arms in the streets of the city, and whoever was met out after a certain hour of the evening without a lantern was banished for a month. At last a public calamity brought about a reform. On the evening of the 14th of May, in the year 1405, a fire broke out in Bern, and being blown by a strong wind it raged furiously, and consumed 550 houses, which were then built of wood. Several thousand individuals were rendered houseless. But at the sight of the flames the people of neighbouring communes ran to the assistance of the sufferers; and the report of the disaster having spread further,

the whole country around, subjects, coburgers, confederates, vied with each other in affording help. This was a most cheering evidence of the good administration and equity of the Bernese government towards its neighbours, notwithstanding its aristocratic character, and it affords to the historical reader a striking contrast with the very different conduct of the neighbours of Rome, who, after that city had been burnt by the Gauls, rose to prevent the inhabitants from rebuilding their houses. Even Freyburg, forgetting its old rivalry, sent 100 workmen and twelve waggons, and kept them one month at its expense, to assist the Bernese in clearing away the ruins. In the midst of the common calamity the avoyer and council resolved to assuage the general grief by restoring the ancient forms of annual election, and laying all important affairs before a general assembly of the citizens. This spontaneous resolve conciliated the whole people, and infused into them new vigour for rebuilding their town. It was then built of stone, on an improved plan, with broad streets, fine houses, and massive walls, such in short as it is now seen, the handsomest town in Switzerland. The wealthier citizens contributed money to rebuild the houses of their poorer neighbours; but it was also decreed that the circuit of the walls should never after be enlarged, because it was thought that a robust and healthy peasantry afforded better means of defence, and was kept more easy in obedience, than too large a civic population. Fifteen years later the cathedral was raised, and at the same time Conrad Justinger, the town-clerk, was commissioned to write the first chronicle of Bern, in which the traditions and recollections of the old men were embodied.

At Zurich, the people, excited by unfounded reports of cruelties committed by the Jews upon children of Christian parents, loudly demanded the extirpation of that race. The affair being brought before the tribes, all the Jews were ordered to be put in prison; but the burgomaster and the councils succeeded by their firmness in saving the persons of that unfortunate people; they were fined 1500 florins and banished. In consequence of this instance of popular injustice, the two councils shortly after swore, solemnly invoking all the saints, to the following fundamental law: "That in future no affairs should be brought before the people, except questions of war and alliances, or any questions with the Germanic Empire, which might affect the franchises of the city." All other questions were to be decided in the councils by majority.

At the beginning of the fifteenth century, the house of Austria was still possessed in Helvetia of the Thurgau, Aargau, Winterthur, Rapperschwyl, and Freyburg. The house of Savoy was possessed of the Pays de Vaud. The Valais as well as the valleys of Rhætia were under the jurisdiction of their feudal nobles. The counts of Neuchâtel and the bishop of Basle in the west, and the abbot of St. Gall and the counts of Toggenburg in the east, were also powerful neighbours of the eight Swiss cantons. In the north there were still three free and independent imperial towns, namely, So-



leure, Basle, and Schaffhausen. The town of Soleure had frequent disputes with the feudal lords in its neighbourhood, and with the counts of Kyburg among the rest. Rudolph of Kyburg, having, through the mismanagement of his father and grandfather, inherited but a small part of the ancestral estates of his family, and his own native town of Thun being mortgaged to the Bernese, he retired to Bipp, a castle near the Aar, a few miles north-east of Soleure, which belonged to the counts of Thierstein, who had placed it in his hands as a security for moneys advanced to them by Rudolph. This extensive system of mortgages, loans, pledges, and securities, which appears to have spread like a vast net over most of the feudal domains in the middle ages, and kept them sequestrated in the hands of creditors until full payment of capital and interest, contrasts singularly with the notion of overbearing physical force which is generally considered as the supreme law of those times. But even physical force could not be recruited without money, and as the proud barons were often in want, they felt the necessity of mutually respecting their engagements. An episcopal or imperial sheriff with his warrant saw the drawbridges lowered before him, which would have remained unmoved at the summons of a powerful hostile force. The country feudatories wanted money for tournaments, for crusades, for marriages, or funerals, or to be enabled to attend the imperial summons to a distant field; and they could only obtain the needful supplies from the free towns, whose citizens were enriched by trade and industry protected by independence and good government. The towns lent the sums required, for which they received in pledge castles and estates, or even offices, or reversions to offices, both honourable and lucrative, such as avoyerships, wardenships, &c. The debt in most cases was not repaid at the expiration of the fixed time, and the pledge became the property of the creditors.

Rudolph of Kyburg, in his castle of Bipp, fancied that the best means to retrieve his fortunes was to attempt to take possession by surprise of the neighbouring town of Soleure. Once in possession of the town, he thought that by bringing forth some old contested titles of his family he might obtain the sanction, or purchase the oblivion, of the distant imperial chancery. One of the canons of St. Urs, named Amstein, was his uncle, and his house adjoined the city walls. The count's men with their ladders approached the town on that side in a very dark night. But a countryman who had observed the preparations of the count at Bipp, and the number of men collected there, from some of whom he had learnt something of the plot, ran towards the gate and alarmed the watch. The watchmen wanted to ring the great bell of St. Urs, but the canon had muffled it; their shouts, however, made the citizens gather to the walls, and Rudolph on approaching saw that his plot was discovered, and drew off his men in confusion. Amstein was put to death and the countryman was rewarded, and Rudolph himself

soon after died of grief and disappointment in 1384. His heirs fought hard to recover part at least of their inheritance, but having been obliged at last to give up Thun and Berthoud to Bern for a sum of money, they asked and obtained as a boon that their names should be inscribed among the citizens of Soleure. Elizabeth Senn, heiress of the counts of Bucheck, also sold to the town of Soleure the castles of Bucheck, Teufelsburg, and Balmeck.

The main object of the towns in acquiring feudal estates, was to surround themselves with strong holds and with a hardy peasantry, so as to defend the approach to its walls from an enemy. All power in western Europe was then founded upon feudal institutions; kings and emperors were but the head lords in their respective dominions, whilst their tenants in chief were like kings in their own estates. The exercise of authority, however, was not so direct or absolute as that of the despotic monarchs who reigned in Europe after the decline of the feudal system. Every lord had certain fixed rights, more or less ample, according to the original grant of each particular fief, and the towns and communes under his jurisdiction had also their rights and immunities, established either by the letter of the grant or by usage and prescription. Stretches of authority on the part of the lord occurred frequently no doubt; but they were considered illegal, and in ordinary times the injured party might seek redress at the hands of the superior lord, of the emperor, or the king. When a feudal estate was sold or mortgaged, or placed in trust, the purchaser, mortgagee, or trustee, took it with all the conditions, rights, charges, and obligations, without exception, which the seller or mortgager was subject to or enjoyed. The free towns, therefore, which acquired feudal possessions attained the character of feudal lords; but the condition of their vassals was, generally speaking, preferable to their former condition under some haughty, overbearing, and at the same time needy feudatory; justice was better administered; the burghers of the town being free from those exaggerated notions of their own superiority which many of the nobility entertained, found their interest to be in making their subjects feel happy under their rule. It was only after several generations had passed, that the subjects of the towns having gradually risen in wealth and importance, began to aspire to an equality of rights with their rulers; and felt that to be a hardship which their forefathers had considered as a happy state.

The town of Basle had become in the eighth century the residence of the bishops, who before resided at Augst (Augusta Rauracorum). The temporal jurisdiction of the bishop in the town of Basle was limited by municipal franchises granted at various times by the kings of Burgundy and their successors the emperors. Rudolph of Habsburg acknowledged Basle as a free imperial town\*. But there was a village or suburb built

\* Pp. 33 and 36.

on the opposite or northern bank of the Rhine, and which was called Little Basle; this the bishops surrounded with walls in 1270, and from that time appointed its magistrates. The bishops greatly extended their dominions by grants, purchase, and conquest. Rudolph III. of Burgundy gave them the abbey of Moutier Grandval, with the provostships of Moutier, and the valley of St. Imier. They also acquired the counts of Toggenburg, Liestall and Homberg in 1305. Their increased possessions involved them in disputes with their neighbours the counts of Neuchâtel, with the towns of Bern and Soleure on account of Bienne\*, and even with the emperor. Meantime the free town of Basle prospered by commerce. In 1356, Albert duke of Austria, who claimed some jurisdictions which the citizens would not acknowledge, was marching with an army against it, when he learnt on the road that an earthquake and a fire had destroyed the greater part of the town. Some one suggested to him that this was a fit opportunity to render himself master of the place, when the duke exclaimed, "God forbid that I should proceed another step against that unfortunate people! Let them rebuild their houses and walls in peace; it will be time afterwards to settle our disputes." And he sent 400 of his peasants from the Black Forest to assist the citizens of Basle in clearing the ruins, at his own expense. This generosity cemented a mutual alliance between Basle and the duke. Afterwards, in 1376, Leopold, Albert's successor, having purchased Little Basle of the bishop, gave a grand tournament, and other feasts, to which all the neighbouring nobles were invited. One day, after an abundant banquet, it was proposed to adjourn to the great square of Basle as affording more space for the games. The citizens made no objection, and crowded round to witness the amusements. But the young nobles, heated with wine, began to insult the bystanders and to molest the women. The citizens ran to arms and fell upon the intruders, of whom some were killed, while the rest were secured as prisoners by the exertions of the burgomaster; indeed, Leopold himself had great difficulty in escaping†. The others were ransomed afterwards. From that time Basle became more and more respected by its neighbours, but it did not enter into alliance with the Swiss cantons until long after. Basle was from the beginning essentially a commercial town; it has remained such ever since, and is even now the wealthiest town of Switzerland.

The imperial town of Schaffhausen, situated north of the Rhine, had as yet no connexion with the Swiss, from whom it was divided both by the river and beyond that by the intervening domains of the house of Austria.

Such was, at the beginning of the fifteenth century, the condition of the various parts of Helvetia, or the country now called altogether Switzerland.

\* P. 61.

† This was the same Leopold who was afterwards killed in the battle of Sempach.

The authorities for this second period are mostly the same as for the preceding, namely, *Tschudi, John Müller, and Watteville*. Others are mentioned in the course of the narrative. Coxe's History of the House of Austria has also been consulted. With regard to the story of Tell, the reader is referred to the following works: Balthazar, "*Défense de Guillaume Tell*," 1760; A. Emmanuel de Haller, "*Lecture sur Guillaume Tell*," Bern, 1772, and, more especially, J. J. Hisely, "*Guillaume Tell et la Révolution de 1307*," 8vo. Delft, 1826, in which the author has fully examined the question concerning the authenticity of the episode of Tell; he has inserted in his book Freudenberger's "*Fable Danoise*," as well as the two defences of Tell by Balthazar and Emmanuel de Haller, adding his own arguments, and his work may be considered as complete on the subject. In the year 1387, the canton of Uri caused a chapel to be built on the spot where Tell leaped on shore from Gessler's boat, and in the following year 114 individuals of the landsgemeinde, or general assembly of the same canton, who remembered Tell personally, (Tell had died about 1350 in his native village of Bürglen,) visited the spot. Klingenberg wrote his chronicle about that time, and he mentioned the fact. In the following century Melchior Rüss, Etterlin, and Schodeler, wrote their chronicles, and they all insert the narrative of Tell as a matter of notorious tradition in their time. Rüss mentions a song or ballad in memory of Tell, and speaking of the Tellens Blatt, or flat stone, at the foot of the Axenberg, on which Tell leaped from the boat, he observes that it was an old name, "called still so in my time," is his expression. Rüss wrote about a century after Tell's death.

The last male offspring of Wilhelm Tell's family, John Martin Tell of Attinghausen, died in 1684, and the last female, named Verena, died in 1720.

### THIRD PERIOD.

#### FIFTEENTH CENTURY.

FROM THE EMANCIPATION OF APPENZELL AND OF THE GRISONS, TO THE  
END OF THE SUABIAN WAR, AND THE ESTABLISHMENT OF THE CONFEDERATION OF THE THIRTEEN CANTONS AND THEIR ALLIES.

ABOUT the beginning of the fifteenth century, misunderstandings arose between the mountaineers of Appenzell and their lord, the abbot of St. Gall. The agents of the abbot encroached on the privileges of the people, and levied taxes in a harsh and oppressive manner: one of them, the bailiff of Schwendi, exacted a duty on the cheese and butter which were carried to market, and he kept two fierce mastiffs to fly at any one who attempted to pass the toll-house without having paid the duty. The bailiff of the town of Appenzell had the right of *catel* or "chattel," in virtue of which the best garment of every man who died became his perquisite. He one day caused the grave of a man lately buried to be reopened, in order to seize the clothes in which the children of the deceased had dressed their parent. These and many other vexations, joined to the example of their neighbours the Swiss, led the Appenzellers to think of emancipating themselves from the abbot's rule. On a fixed day they rose, surprised the castles, and drove the bailiffs away. The abbot Cuno of Stauffen having no means of suppressing the revolt, applied to the imperial towns of Suabia, who were his allies, and who sent messengers into Appenzell. The mountaineers said, "they were ready to pay the abbot his lawful dues as before, provided he chose his bailiffs among a certain number of honest men whom they would propose to him." The imperial towns, however, rejected the proposal, and insisted that the former bailiffs of the abbot should be reinstated, and these, through malice and revenge, treated the people worse than before. The Appenzellers then turned to the town of St. Gall, which having grown around the abbey, and being in some measure dependent on it, yet enjoyed imperial franchises and immunities, and was allied to other imperial towns. Its position between Germany and Italy rendered it a place of considerable trade, which the industry of its inhabitants had increased by the establishment of manufactures. The people of St. Gall had also their grievances against the abbot; they listened readily to their neighbours of Appenzell, and formed an alliance with them for the pur-

pose of defending their respective privileges. The abbot, incensed at this, redoubled his severity against the Appenzellers, and appealed again to the league of the imperial towns of Suabia, which decided that the alliance between St. Gall and Appenzell must be dissolved, but that the abbot shall choose his bailiffs from among the natives of the latter country. St. Gall submitted to this decision. The Appenzellers, perceiving that the nobility of the imperial towns preferred the friendship of a prince abbot to the interests of a race of humble mountaineers, addressed themselves to their brethren of the Swiss cantons, expecting more sympathy from that quarter. Schwytz and Glaris alone answered the call; the former entered into a cöburchership with the people of Appenzell, and Glaris, without stipulating any act of alliance, proclaimed "that all those among the citizens who chose to serve in the cause of Appenzell were free so to do." All the inhabitants of Appenzell attended in their respective rhodes\*, and they all swore to each other, and to the landamman of the village of Appenzell, to remain firmly united for the defence of their common rights. On hearing this, the imperial towns, urged again by the abbot, collected a considerable force, both horse and foot, and sent it to St. Gall, where the abbot reviewed and entertained them. Thence they proceeded towards Trogen, a village of Appenzell, the cavalry, in full armour, being followed by 5000 infantry. On the 15th May, 1403, they entered the hollow pass of Speicher, at the foot of the Vöglinseck mountain. The men of Appenzell, informed by their scouts of the approach of the enemy, had left their wives and children, and after receiving the blessings of their aged parents they posted themselves, to the number of 2000, on the summit of the mountain; eighty of them advanced to the cliffs which overhang the hollow way, while 300 men of Schwytz, and 200 of Glaris, placed themselves in the wood on each side of the road. The enemy's cavalry boldly ascended the mountain. The eighty Appenzellers began the attack with their slings, whilst the men of Glaris and of Schwytz rushed upon the flanks of the column. The cavalry, pressed in a narrow way, spurred their horses to gain the plain on the summit of the hill, when they perceived the whole force of Appenzell advancing to meet them. At this sight the leaders of the column ordered a retreat, in order to regain the open country below. The dismal word *retire!* sounded along the files of the long column—the infantry in the rear thought all was lost, and began to disband—the people of Appenzell, Schwytz, and Glaris, fell from every side on the cavalry cooped up in the hollow way. Six hundred cavaliers lost their lives, the rest spurred their horses through the ranks of their own infantry, the rout became general, and the discomfited troops reached St. Gall in the greatest confusion.

\* Rhodes, from *Rotte*, troop or band, means the communes or hundreds into which Appenzell is divided. This denomination continues to the present day.

The imperial towns, disheartened by this defeat, and having lost many of their most distinguished warriors, forsook the cause of the abbot, and made their peace with Appenzell. The abbot, deeming himself not safe in St. Gall, retired to Wyl. The Appenzellers, being masters of the country, attacked and destroyed his castles, and ravaged his domains. The abbot and the gentry his vassals implored the assistance of Frederic duke of Austria, who, after some hesitation, assembled a force in the Tyrol, which he divided into two columns; the stronger advanced on the 17th June, 1405, from Altstetten, in the Rheinthal, by the mountain called Am Stoss, on the borders of Appenzell. The count Rudolph of Werdenberg, who had been deprived by the dukes of Austria of his possessions in the Rheinthal, offered his services to the Appenzellers, and, throwing aside his knightly armour, assumed their mountain costume. He was unanimously entrusted with the defence of the country. The Appenzellers had posted themselves on the mountain, from whence they threw down enormous stones and trunks of trees on the advancing column. The day was rainy, so that the slope upon which the Appenzellers were posted, and which was covered with short grass, was extremely slippery. The Austrians had scarcely reached the middle of the ascent when Rudolph gave his men the signal to advance. The Appenzellers were barefooted, and they rushed safely down the hill upon the enemy, whose ranks were thrown into disorder, and whose bowstrings were rendered unserviceable by the rain. The Austrians, however, fought desperately man to man with sword and spear. On a sudden they perceived on the hills a fresh body of Appenzellers, which threatened to cut off their retreat. A general panic then seized them: it was no longer a fight, but a slaughter; and the streams of rain flowing down the sides of the hill were reddened with the blood of the invaders. The combat and the pursuit lasted six hours, after which the Appenzellers returned to the field of battle, and there, falling on their knees, they returned thanks to the Almighty for the deliverance of their country. The troop whose appearance had decided the flight of the Austrians was composed of the *women* of Appenzell, in *shepherds' frocks*, who had come to share the dangers of their husbands and their brothers!

Duke Frederic, who had advanced with another body of troops from Arbon, and vainly besieged the town of St. Gall, attempted to penetrate into Appenzell from another side, but was also repulsed and obliged to retire into Tyrol. The Appenzellers now formed an alliance with St. Gall, conquered the Rheinthal, and advanced into Tyrol, whilst another body assisted their allies of Schwytz in conquering the valley of Wäggis and the Lower March, which have ever since formed part of the latter canton. The war of Appenzell lasted five years, during which the shepherds of that country, whose name was hardly known before, made themselves formidable, extending their incursions to Bregentz and Lan-

deck on the Inn, and in Thurgau as far as Weinfelden. They took by force more than sixty castles, and destroyed thirty. They also entered the town of Wyl, and made the abbot of St. Gall prisoner. It was in vain that they were excommunicated by the bishop of Constance, and put by the emperor to the ban, in 1406; they disregarded both. Their too enterprising spirit, however, received a check under the walls of Bregentz, from whence they were driven back. At last, in 1408, the emperor Robert, who had come to Constance, negotiated a peace, by which the abbot of St. Gall gave up his seignorial rights over Appenzell, retaining, however, certain revenues. The Appenzellers restored the Rheinthal to the house of Austria. They contracted, after this, an alliance with the Swiss cantons, Bern excepted, but were not received into the confederation until long after. The Swiss, in this alliance, showed some mistrust of the newly awakened ambition of the mountaineers of Appenzell, for they stipulated that the latter should not engage in any war without the consent of the confederates, and that in all cases the expenses of the war should be defrayed by Appenzell alone.

In 1415, the famous Council of Constance began. No less than three popes, John XXIII, Gregory, and Benedict, contended for the see of Rome, to the scandal and distraction of the Christian world. The emperor Sigismund determined to put an end to this deplorable schism, and for this object the council was mainly convoked. But the emperor's disposition was false and rapacious\*. The duke Frederic of Austria favoured John XXIII, a prelate of a worldly, profligate character, and protected and abetted him even after the council had deposed him, as well as the two other pretenders to the papacy, and elected in their place Martin V. For this, Frederic was excommunicated by the council, whilst Sigismund, jealous of the power of the house of Austria, and covetous of its vast domains, put him to the ban of the empire, and invited all the imperial vassals and towns to make war against him. The same invitation was addressed to the Swiss cantons. The Swiss refused at first, with the exception of Bern, ever ready to seize a favourable opportunity to aggrandize itself. The old forest-cantons hesitated; they had lately renewed their truce with the duke of Austria for fifty years longer, and although the bishops, in council assembled, absolved them from their engagements, and the emperor promised them the permanent possession of all the conquests they should make on Frederic, they for some time withstood the temptation, saying, "that a breach of faith could never be justified either by the church or the empire." But Zurich, more covetous and less scrupulous than the rest, having followed the example of Bern, the other cantons, threatened on one hand and tempted on the other, also declared war against Austria in April, 1415.

\* After giving a safe-conduct to John Huss, the Bohemian preacher, accused of heresy, that he might appear before the council, Sigismund allowed him, as well as his disciple, Jerome of Prague, to be given over to the secular arm, and burnt alive.



The canton of Uri and the brave shepherds of Appenzell formed the only honourable exceptions; they remained faithful to their truce with Frederic, and took no part either in the war or in the spoil. Bern, joined by Soleure and Bienne, entered the Aargau. This fine province was the cradle of the house of Habsburg; it extends from the Aar to the Limmat, and northward to the Rhine, and was divided between towns enjoying franchises under the protection of the dukes of Austria and several lords vassals of the duke. Hearing of Frederic's interdict, and of the movements of the cantons, they assembled a diet at Sursee. The towns were for remaining neutral in the approaching struggle, and forming a close alliance among all the districts of Aargau for the defence of their liberties, with leave to treat with the Swiss confederates in case of necessity, and to join them as a distinct canton, as Glaris and Zug had done. But the nobles did not accede to the compact; they preferred having the duke as their master to placing themselves on a level with the burghers. This was the cause of the misfortunes of Aargau, and of its state of subjection, which lasted till the end of the eighteenth century. The towns then resolved to place themselves under the protection of the confederates in order to secure their freedom, but it was too late. As the assembly broke up, and the deputies were returning to their homes, they espied on the hills the banners and the troops of the cantons, who had hostilely entered the country. The town of Zoffingen was the first attacked, and was obliged to renounce its allegiance to Austria, and swear fidelity to Bern. The same happened to Aarburg, Aarau, Brugg, Lentzburg, and others. In a few weeks the Bernese had conquered the greater part of Aargau, the rapidity of their movements preventing any effectual resistance. Luzern on its side took Sursee, Meyenberg, and other places, as far as the Bernese line of conquests. The Zurichers, having crossed Mount Albis, occupied the bailiwick of Knonau, Dietikon and the banks of the Limmat towards Baden. The forces of the confederates united between the Limmat and the Reuss, and conquered in common, in the name of the seven cantons, (that of Uri being excepted,) Mellingen, Bremgarten, and the county of Baden. The strong castle of Baden held out for some time longer for Austria, but the artillery of the Bernese having battered down part of the walls, the garrison surrendered and the castle was burned. The confederates then divided their spoils. Bern, Zurich, and Luzern, kept each its conquests with the same rights as the house of Austria had exercised over those districts, and the country conquered in common was formed into bailiwicks under the authority of the united cantons, who sent by turn bailiffs every second year to govern them. Bern, which had already obtained the lion's share, did not participate in the common bailiwicks. Thus the Swiss republicans began to have extensive subject districts, over which they ruled as sovereigns. The practice was afterwards widely extended, it became an abundant source of discontent and

civil war, and was at last the main cause of the overthrow of the old Swiss confederation.

Whilst the house of Austria was thus stripped of its ancestral possessions in Helvetia, duke Frederic made his submission to the emperor Sigismund, and, having given up pope John, became reconciled with the church. This re-establishment of peace was signified to the Swiss cantons, with the injunction that they should restore their conquests to the duke. Uri again lifted up its voice for the cause of honesty, but its scruples were laughed at by the other cantons, who were determined to hold fast their prize, and they propitiated the cupidity of Sigismund by a sum of 10,000 golden florins. By a treaty concluded in 1418 between the emperor and the duke of Austria, the duke renounced all his rights over the Aargau, and the counties of Lenzburg and Baden, and the other bailiwicks. Such was the end of the war called the War of Constance, the first in which the Swiss acted on the offensive without having received provocation.

About this period the Swiss cantons first carried their arms across the Alps into the valleys of Italy. The cantons of Uri and Unterwalden had grounds of complaint against the officers of the duke of Milan, who had annoyed some of their countrymen and seized their cattle. The duke refused to give them satisfaction. They crossed the St. Gothard, took possession of the Val Levantina or Livinen\*, and then, with the full consent of the inhabitants, they occupied the valley of Oscella or Ossola. The duke Visconti engaged the duke of Savoy to reconquer the latter. The troops of Savoy crossed the Valais, and, penetrating by the Simplon to Domo d'Ossola, drove the Swiss garrison away. The cantons of Uri and Unterwalden next purchased of the baron of Sax Misox, a Rhætian nobleman, the town and valley of Bellinzona as far as the lake Maggiore. The duke of Milan sent a large force under the command of Pergola, one of the ablest condottieri of his time, to prevent the Swiss from keeping possession of their purchase. The two armies met at Arbedo near Bellinzona, and an obstinate combat ensued, which lasted the whole day. The landamman of Uri, the standard bearer of the same canton, and the amman of Zug, Peter Kolin, were among the killed. The son of Kolin seized the banner dyed with his father's blood, again waved it at the head of the men of Uri, and although he too perished the banner was saved. Swiss bravery, however, could not triumph over the steady discipline of the veteran troops of Italy. Weakened by the loss they had sustained, the Swiss mournfully recrossed the St. Gothard, leaving a garrison, however, in the Val Levantina. The battle of Arbedo was fought in June, 1422, and Bellinzona was soon after given up to the duke of Milan by a treaty.

\* The Vallis Lepontina of the Romans. The Ticino, descending from the St. Gothard, waters the valley in its course to the Lago Maggiore.

These Italian broils were the cause of a popular insurrection in the Valais. The lord of Raron, captain-general of that country, had allied himself to the duke of Savoy, whom he had assisted in his expedition against the Swiss at Domo d'Ossola. The cantons resenting this, excited the people of the Valais against the lord of Raron, whose ambition had already offended his countrymen. An old custom prevailed among the people of that country; when they wanted to obtain from their lords redress of their grievances, they hoisted in the market-place an enormous club, one end of which was rudely carved into something resembling a human face, bearing an expression of woe and crowned with thorns; this was called *La Mazze*, and was meant to represent oppressed justice. A man stood behind it, and the people came one after the other to ask of the Mazze what made it so sad? Was it such or such a lord, mentioning several, that had grieved it? The Mazze remained motionless. But when the lord of Raron came to be mentioned, the Mazze made an inclination of the head. Then the man lifted up the Mazze and carried it from village to village, the people following it, and increasing at every step; and it was proclaimed that the Mazze was going to demand satisfaction of the lord of Raron, of his nephew the bishop of Sion, and their adherents. The baron, seeing the whole country risen against him, escaped to Savoy; and the people destroyed his castle near Siders, as well as that of the bishop.

Having obtained no assistance from the duke of Savoy, the lord of Raron repaired to Bern, whose cobourgher he was. Bern espoused his cause, the forest cantons took part with the Valaisans. A diet, assembled at Zurich, decided that the property of the baron should be returned to him first, and that, on the other hand, he should do justice to the people. But the people were not satisfied with this decision, and hostilities commenced between them and Bern. The Bernese, joined by Friburg and Soleure, sent an army of 13,000 men over the Sanetch Alps into the Valais. The forest cantons offered their mediation in vain; and the Valaisans, having refused to accede to any terms with Raron and Bern, were left to their own resources. They fought desperately, and repulsed the Bernese. At length fresh proposals of peace were made, and the Valaisans agreed to restore Raron's domains, to pay 10,000 florins as a compensation for the damage they had done him, an equal sum to Bern for the expenses of the war, and 4000 florins to the Chapter of Sion. This was in 1420; but the lord of Raron died at a distance from his country, and his family losing all their influence, the Valaisans continued, ever after, to govern themselves according to their own municipal constitution. The upper, or German Valais was divided into six *dixains* or hundreds, and the town of Sion formed a seventh. Each sent deputies to the general assembly of the country, at which the bishop of Sion presided. The lower Valais was afterwards wrested, by the upper

Valaisans, from the duke of Savoy, and was governed by them as a subject district. The Valais entered also into alliances with various Swiss cantons, and particularly with Bern.

Another country, more extensive and populous than the Valais, effected its emancipation about the same time. This was the highlands of Rhætia, with their sixty valleys, where the Rhine and the Inn have their sources, a wild secluded region, surrounded and intersected on all sides by the highest Alps. The house of Habsburg, or of Austria, had no pretensions over the country. Its numerous nobles had become independent, holding directly of the empire; indeed the bishop of Coire, who had great possessions in the country, was a prince of the empire. A century had now elapsed since the Swiss cantons had achieved their independence, and their neighbours of the Rhætian valleys still groaned under the oppressions of their petty lords, far more overbearing and capricious than the Austrian rulers had been in Helvetia. Perched up in their castles, built on lofty cliffs, they sallied thence like birds of prey, scaring the poor shepherds and cultivators below, and extorting from them the produce of the soil, insulting the chastity of their daughters, and disposing of the liberty and lives of their sons. The chronicles of Rhætia record many instances of rapacity and barbarity perpetrated in those remote valleys, which have never been surpassed in the most corrupt countries, and by the most depraved tyrants. We read of a baron of Vatz, who used to starve his prisoners in his dungeons, and listen with complacency to their moans from his banqueting hall, and who, to try an experiment on the process of digestion, had three of his servants ripped open some hours after dinner.\* In another place, we find the chatelain of Guardovall sending deliberately to demand, for his private pleasures, the young and beautiful daughter of Adam of Camogask, one of his tenants,—an outrage, however, which led to the revolt and emancipation of the fine valley of Engadina. We are told of the governor of Fardun, driving his wild colts among the ripe crops of the farmer Chaldar, whom he cast in chains into a subterranean dungeon for pursuing and killing the destructive animals. Such is man in every age, and under every clime, when left to the uncontrolled indulgence of his passions over the persons and property of his fellow creatures.

The nobles were often at variance with each other. Hartmann, bishop of Coire, unable to defend the scattered domains of his see, authorized his vassals to form alliances with the neighbouring communes and lordships; accordingly, in 1396, his subjects of the valleys of Domleschg, Avers, Oberhalbstein, and Bergun, entered into a treaty, offensive and defensive, with the powerful counts of Werdenberg, lords of Schams and Obervatz. This was the first origin of one of the three leagues or federations of Rhetia, afterwards called the *league Caddea*,

\* Müller, Book ii., chap. 1.

(Casa Dei) or of the house of God, from its being under the bishop's jurisdiction. The increase of strength thus derived by the prelate, excited the jealousy of the nobles of the upper Rhine, who formed likewise, in 1400, an alliance with their neighbours of the free canton of Glaris. But they did not grant any franchise to their vassals as the bishop had done; and this made the people more impatient of their servitude. They had no justice to expect from the courts, nor protection on the high roads, nor security for their persons or properties. Several of the elders among the peasants of the country formed a secret association for the purpose of devising a remedy for the evils with which the country was afflicted. They assembled at night-time in a wood near the village of Trons, between the abbey of Disentis and the town of Ilantz. There they framed certain resolutions, which they communicated to the trustiest among their respective neighbours. On a fixed day all the communes of Upper Rhætia sent deputies to their respective lords, demanding a solemn compact, by which the rights of all, high and low, should be defined and guaranteed, and justice and security rendered inviolable. The barons were taken unawares, they had few soldiers on whom they could depend. The abbot of Disentis, a prudent and pious man, who belonged himself to an ancient native family, received the deputies kindly, and acceded readily to their demands. The two barons of Razuns followed his example. Count Ulric of Sax, one of the most powerful feudatories of the Alps, did the same, as well as the old Count Hugo of Werdenberg, brother to the defender of Appenzell. Henry of Werdenberg-Sargans, lord of Schams, alone, whose father had been defeated at Näfels by the people of Glaris, rejected with scorn the deputies of the communes. In May, 1424, the abbot and all the lords of Upper Rhætia joined the deputies of the various valleys, and of the towns of Ilantz and Tüsis, in an open field outside of the village of Trons, and there forming a circle round a gigantic maple tree, all of them standing, nobles, magistrates, deputies, and elders, swore, in the name of the holy Trinity, a perpetual alliance for the maintenance of justice, and the security of every one, without, however, infringing on the rights of any. The articles of the league which, to this day, rules that country, were then stipulated. This was called the *Grey league*, from the colour of the smocks which the deputies wore. By degrees it gave its name to the whole country, which was called Grisons, *Graubünden*, and that of Rhætia became obliterated. Such was the glorious covenant of Trons, one of the few events of its kind which can be recorded with unmingled satisfaction\*.

The baron of Werdenberg-Sargans, who had alone stood aloof in that

\* The venerable maple tree of Trons was still in existence at the close of the last century; the diet of the Grey league was held every year under its shading branches until the epoch of the French invasion, when it was cut down and burnt amidst the general devastation of the country.

day of joy from his countrymen, soon lost his domains. The cruelty of his own agents hastened the crisis. His chatelain of Fardun, after having imprisoned Chaldar, as above mentioned, released him upon the payment of a large ransom, by the united exertions of the prisoner's friends. Chaldar had returned to his cottage; one day when he had just sat down to dinner, with his numerous family round a table, in the midst of which stood a large bowl of boiling porridge, the dreaded chatelain suddenly entered the room. All rose respectfully to receive him, when he, looking surlily at them, approached the table, and spit in the mess which was to supply their humble repast. He then insultingly told Chaldar to begin his meal. The mountaineer could refrain no longer, he rushed upon the chatelain, and seizing him by the neck, "Wretch, he cried, 'thou alone shalt taste of the dinner thou hast contaminated.'" He then plunged the chatelain's head into the scalding liquid, and held it there until life was extinct. Chaldar, leaving the deformed body stretched on the floor, rushed out to alarm the country around, telling them what he had done, and the provocation he had received. The people, already ripe for revolt, rose to a man, attacked the castle, which they took and demolished, and the valley of Schams and the Rheinwald were free, and joined the Grey league which was able to protect them against any further attempts of Werdenberg.

The Engadin, one of the finest and largest valleys in all Helvetia, is watered throughout its length, about sixty miles, by the river Inn, an affluent of the Danube, and is separated on one side from Italy, and on the other from the rest of the Grisons by two lofty ridges of the Rhetian Alps. The inhabitants speak the *ladin*, a dialect of the romantsch language, greatly resembling the Italian\*. After the emancipation of the neighbouring valleys, the people of Engadin aspired to the same liberty as their brethren of the Grison league. The brutal insult offered to Theresa of Camogask, which has been noticed above, decided the explosion. Her father, with assumed composure told the emissary of the tyrant, that he would himself bring his daughter to the castle next morning in a more becoming attire than she was in at present. Meantime he collected his friends and exhorted them to follow the example of their neighbours. Next morning he led forth his daughter in her best clothes, and, followed by several young men, proceeded to the castle, near which another party had posted themselves in ambuscade. The chatelain came out of the gate, and, seizing the maid from her father's arms, he rudely kissed her lips. At the same moment the father's dagger pierced his heart, and he fell lifeless to the ground. The men of Engadin rushed into the castle, overpowered the guard, and destroyed the walls. The independence of Engadin was proclaimed, and that fine valley joined the Caddealeague.

\* See in Appendix No. 11. specimens of the romantsch and ladin languages.

Some time after, the count Frederic of Toggenburg, having died without issue, his numerous vassals at Davos, Meyenfeld, and other parts of Eastern Rætia, on the borders of the Tyrol, assembled and proposed to form a league similar to the other two for their common protection, during the troubles which broke out about the disputed succession of Toggenburg. "As soon as the legitimate heir shall be acknowledged," they said, "we will restore him his inheritance, but our league shall remain for the security of all. None of our countrymen shall be arraigned before foreign judges, no commune shall form an alliance without the consent of all." In 1436 they swore fidelity to the league, which was called *the Ten jurisdictions*. Thus were formed the three leagues of the Grisons, which have ever since maintained their independence and their municipal liberties. Most of the valleys gradually redeemed the dues they owed to their lords, but by mutual consent and without violence. In 1450 a union, called *the Black league*, formed of many noblemen who disliked the enfranchisement of the communes, endeavoured to reduce the communes to subjection, but it was defeated, and many of the nobles lost their lives in a conflict in the valley of Schams. The three leagues now proposed for their mutual support a solemn alliance among themselves, embracing all the Rætian valleys. Each commune sent deputies, in 1471, to the village of Vazerol, which stands nearly in the centre of the country, and there a perpetual defensive alliance was sworn to between the leagues, and general diets were appointed to be held by turns in each of the three leagues to deliberate on the interests of the whole. If differences should arise between two of the leagues, the third was to be umpire, and the decisions of two leagues should be obligatory on the third. But in their internal affairs, each league, and even each commune, governed itself according to its own laws and customs, held its own meetings, and elected its own magistrates; several communes together formed a jurisdiction, having its courts of civil and criminal justice, and a landamman was elected for a time by the majority of voices; several jurisdictions formed a league, having its annual diet; and the three leagues together formed the confederation of the Grisons. Their government, like that of the Valais, contained a mixture of pure democratic and representative forms, suited to an extensive but mountainous country, where each valley forms a little world of itself, being secluded from the rest by ice and snows during great part of the year. It was not till 1497, during the war called of Suabia, that the Grisons contracted a perpetual alliance with the Swiss cantons, which they maintained ever after, forming an important accession to Switzerland, and protecting its eastern frontiers on the side of the Tyrol, and of the other dominions of the house of Austria.

The death of the last count of Toggenburg, in 1436, became a source of fatal dissensions among the Swiss. Zurich pretended to the inherit-

ance, because the count had been a freeman of that city. But he was also a burgher of the canton of Schwytz. His widow sided with Zurich, but the subjects of the count who inhabited Uznach, Lichtensteg, and other districts of Toggenburg, between the lake of Wallenstadt and the river Thur, sent deputies to their neighbours of Schwytz, and requested to be admitted among its citizens, saying that such had been their master's wish before his death; and in fact he had himself expressed this intention before the deputies of Schwytz and several other witnesses\*. The cantons of Schwytz and Glaris admitted the inhabitants as coburgers, and took possession of Toggenburg and of the Upper March, of which the count had given them the reversion by a former treaty. Zurich prepared to oppose these arrangements by arms, and seized upon several other districts. The other cantons interfered, and prevented the explosion for a time, but in 1440 the war broke out between Schwytz and Glaris on one side and Zurich on the other. One condition of the Swiss confederacy was, that any canton having disputes with another, and refusing to submit to the direction of arbiters chosen according to the prescribed forms, should be constrained by force. Zurich was in this predicament, having refused to abide by the decisions of the umpires, and she drew upon herself the forces of all the other cantons. Uri and Unterwalden, Lucern, Bern, and Zug all sent their contingents, and Zurich was threatened with an immediate attack, when, perceiving the danger, it submitted to what is called the *jus Helveticum*, or public law of the confederation. Arbiters were appointed from the five mediating cantons, whose decision was, that Zurich should restore all it had taken out of the Toggenburg estates, while Schwytz and Glaris were to retain their conquests.

Stussi, burgomaster of Zurich, a bold ambitious man, thinking solely on revenge, forgot the sacred ties of his country with the Swiss cantons, and sought the alliance of the hereditary enemy of their common country, Frederic III. of Austria. This prince had been elected emperor of Germany, and he aimed at reconquering the Aargau, and the other domains which his house had lost in Switzerland. An alliance offensive and defensive between Zurich and Austria was concluded at Vienna in 1442. Frederic soon after repaired to Zurich, when the citizens swore fidelity to the empire, and tearing from their sleeves the white cross, the badge of the Swiss in all their wars, assumed the red cross of Austria. The confederates were indignant at this conduct; Zurich had broken the federal pact, and in 1443 war was declared by all the cantons against the perjured republic. The confederates defeated the Zurichers and Austrians in several battles, and took or destroyed many towns and villages. At last they advanced against Zurich in the month of July. The Zurichers came out of the city, and crossing the bridge on the river Sihl, under their

\* Tschudi, Chron. of Glaris, tom. ii, pp. 68, 190, 214.



walls met the Swiss led by Ital Reding of Schwytz, a man brave and resolute even to ferocity. A desperate battle was fought in the fields near the Sihl, close to the ramparts of Zurich. At last the Zurichers gave way, and recrossed in disorder the bridge to re-enter their town. The old burgomaster Stussi alone stood on the bridge, with his battle-axe in hand, trying to stop the flight; but a citizen of Zurich, exclaiming that "he was the main cause of all this mischief!" ran him through with his spear. Stussi fell in his heavy armour, and friends and foes passed over his body on their way to the gate. Some of the confederates had entered the town, but a Zurichers had the presence of mind to lower the portcullis, and thus saved the city from the horrors of a storming. The confederates set fire to the suburb, committed the greatest devastations in the country around, brutally cutting open the body of the burgomaster Stussi, pulled out his heart, and then threw the mangled remains into the river. The night was spent by the confederates in drinking and carousing among the bodies of the dying and the dead. Such were the brutalizing effects of civil war, and so much altered were the Swiss since the days of Morgarten and of Sempach!

Next year the castle of Greifensee was taken by storm after an obstinate resistance. Ital Reding, who led the confederates, ordered the commander and the whole garrison to be beheaded by the public executioner. In vain Holzach of Menzingen implored the Swiss not to offend their God, not to stain the honour of the confederation, "by so inhuman an act;" *Down with them*, was the answer of the ferocious soldiers; head after head fell to the number of sixty; and the work of blood was completed by the light of torches.

In the following summer, 1444, the confederates, to the number of 20,000, laid siege to Zurich. The emperor Frederic, and his cousin Sigismund of Austria, being engaged in distant wars, strove to raise up another enemy against the Swiss. They wrote to Charles VII., king of France, to whose daughter Sigismund was betrothed, and who, having just concluded a truce with England, was not sorry to employ abroad the mercenary companies of partisans which proved very troublesome guests in time of peace. These companies were composed of soldiers of fortune of all nations, accustomed to a life of violence and plunder, and impatient of any restraint. An old chronicler calls them *Filii Belial*, sons of the Devil. They were better known by the name of *Armagnacs*, being the remains of the faction of that name which had figured in the civil wars of France. The king collected them and sent them first into Alsace, and then against Basle, under the command of the dauphin Louis, afterwards Louis XI. of France. They desolated the countries on the left of the Rhine, sparing neither friends nor foes, and at last, on the 23d of August, they appeared under the walls of Basle to the number of 30,000 men, chiefly cavalry. The citizens of Basle sent one of their councillors in great haste to request the assistance of the Swiss against

this formidable irruption. The Swiss detached 1200\* men of Bern, Soleure, and the forest cantons, from their camp, before Farnsburg, which place they were then besieging. On the 26th of August this little band met the advanced guard of the Armagnacs at Brattelen, and drove them back beyond the river Birs. The main body of the enemy was posted on the left bank of the river. The Swiss, seeing the bridge of St. Jacob well guarded, threw themselves into the stream and forded it, notwithstanding the fire of the French artillery. Having reached the opposite bank, they cut their way through the numerous ranks of the Armagnacs, with the intention of reaching Basle. The inhabitants of that city, seeing from the summit of their towers the efforts of this band of heroes, made a sortie to join them; but a body of 8000 horse, whom the dauphin had placed on that side, drove them back into the city. The Swiss were divided: a body of them, surrounded in the plain by forces ten times their number, were all slain, after making dreadful havoc among their enemies: they fell in their ranks close to each other. Another party of 500 threw themselves into the hospital and chapel of St. Jacob. The gardens of the hospital were surrounded by high walls; there this handful of Swiss, hemmed in by a whole army, stood, determined to sell their lives dearly. Three times they repelled the attack, twice they sallied out like lions against the close ranks of their enemies; at last the walls were battered down by cannon, and the French cavaliers, having dismounted, entered the breach; yet the Swiss still opposed a desperate resistance. The hospital and the chapel took fire, and the surviving confederates were smothered among the ruins. Out of 1200 Swiss, who fought on that day, ten alone escaped by flight, and these were shunned and driven away with scorn in every part of Switzerland, for not having shared the fate of their comrades. The fight lasted ten hours. Thousands of men and horses of the Armagnacs strewed the field of battle. The dauphin was dismayed at the sight of his own loss; and, hearing that the whole confederate army was moving against him from the camp before Zurich, he thought it prudent not to attempt to proceed any farther, after such a specimen as he had witnessed of Swiss intrepidity. Eneas Silvius Piccolomini, afterwards pope Pius II., who happened to be at Basle at the time, mentions in his epistles several circumstances of that memorable combat. He says the Swiss, having emptied their quivers, snatched out of their wounds the arrows of their enemies, and shot them back. Burkardt Monch, a nobleman bitterly hostile to the Swiss, who served in the ranks of the dauphin, as he was walking in the evening among the bodies of the dead Swiss, and observing the streams of blood which drenched the ground, exclaimed, "Now am I

\* Some historians say 1500, but the calculation of the dead and wounded found on the field of battle seems to correspond with the lesser number.

bathing among roses." Arnold Schilk of Uri, who was lying near, wounded, overheard him, and picking up a large stone, flung it with such force at the inhuman boaster that he fell dead to the ground.

Two days after the battle, the dauphin granted a safe-conduct to the citizens of Basle, that they might bury the dead and carry away the wounded: 1158 Swiss were found dead, and 32 wounded. The dauphin withdrew his army, and signed a peace with the cantons and with Basle in the following October. Struck with admiration at the bravery of the Swiss, he even sought their alliance, and this was the origin of the long friendship and connexion between the French kings and the Helvetic body.

The war against Zurich and its allies continued the whole of the following year; several parties of Austrian troops were defeated by the Swiss, who took the town of Rheinfelden. At length, in 1446, several of the German electors and the bishop of Basle interposed, and a peace was concluded on these conditions: that Zurich should renounce its alliance with Austria, and return again to that of the Swiss cantons; that the conquered districts should be restored on both sides, with the exception of Pfeffikon and Wolran, which remained to Schwytz. The Toggenburg, the cause of all this war, was left in the possession of the lord of Raron, a relative of the late count\*, and both he and his subjects remained co-burgers of the cantons of Schwytz and Glaris. The alliance of Basle with the cantons was confirmed. This unnatural war cost the Zurichers more than a million of florins.

But the differences between the cantons and Austria were not yet settled. The vassals and partisans of the latter power in Switzerland continued to make incursions on the lands of the confederates. They pillaged Rheinfelden; they surprised Brugg by night, and slaughtered its inhabitants, or carried them away and obliged them to pay a high ransom; Aarau was partly burnt. John, lord of Falkenstein, distinguished himself in this predatory warfare. On the other hand, the Swiss burnt many of their castles. The town of Freyburg remained faithful to the house of Austria, although now become quite insulated in the midst of hostile states. But the dukes of Austria did not reward the fidelity of its citizens; on the contrary they burdened them with fresh taxes, and its governors acted in an arbitrary manner by deposing the avoyers and council. This conduct alienated the hearts of the Freyburgers. About the same time the duke of Savoy claimed payment of 200,000 florins, due to him by the city. The duke of Austria, despairing of retaining possession of Freyburg, ordered its governor, Halwyl, to quit the town, which he did after taking possession, by a stratagem, of the best part of the burghers' plate. The citizens, preferring the domination of

\* Peterman, baron of Raron, sold the county of Toggenburg, in 1468, to Ulrich, abbot of St. Gall. It remained subject to the abbey till the end of the eighteenth century.

Savoy to that of Bern, which had long had views upon their country, submitted to the former power in 1452, and swore fidelity to the duke of Savoy, who guaranteed to them their ancient privileges.

The only possessions remaining now to the house of Austria in Switzerland were the county of Rapperschwyl, the town of Winterthur, and the landgravate of Thurgau; and these were lost soon after. Rapperschwyl gave itself voluntarily to the three forest cantons and that of Glaris. Duke Sigismund of Austria, upon this, treated the four cantons as enemies. But Sigismund himself, happening to have disputes with the pope, was excommunicated, and the pope called upon the Swiss to seize on his domains. The confederates were not slow in obeying the call. In 1460 they entered the fine province of Thurgau, which extends from the frontiers of Zurich to the lake of Constance, and consists of gentle hills and plains, fruitful in corn, flax, and wine, and watered by the river Thur. They encountered no opposition; the town of Diesenhofen alone defended its allegiance to Austria, but was obliged to capitulate, retaining its privileges as a little republic, under the protection of the cantons. All the rest of Thurgau was taken possession of as a conquered country, the cantons assuming the rights which the house of Austria had till then exercised over it (as they had done with the Aargau about half a century before). Each of the eight old cantons by turns appointed the bailiff, who resided at Frauenfeld, and who was changed every two years. This order of things continued till the end of the 18th century.

In 1467, duke Sigismund mortgaged Wintherthur, his last remaining possession, to the citizens of Zurich, to whom it was finally given up ten years after. And here was the end of the power of the house of Habsburg in Helvetia. When in the following century Charles V., the haughty representative of that family, was raised to the thrones of Germany, Spain, Italy, and "the Indies," when it became a proud boast of his courtiers that "the sun never set on his dominions," at that very period the house of Austria had lost every acre of its old patrimonial estates; the castle of Habsburg itself having passed into the hands of strangers\*.

Mulhausen, an imperial town in Alsace, finding itself annoyed by the neighbouring nobility, contracted an alliance with the Swiss cantons, which it maintained for centuries after. This, however, led to a fresh quarrel with Sigismund. The banks of the Rhine, from Schaffhausen to Basle, were again the scene of a desultory though destructive warfare, in which, however, the Austrians were worsted. At last a peace was concluded in 1468, Sigismund then making a solemn cession in favour of the cantons of all his rights over Thurgau, and paying them

\* The solitary tower of Habsburg is now inhabited by a family of Argovian peasants; the outer walls of the castle, which remain standing, enclose a sort of farm-yard.

10,000 florins towards the expenses of the war. But resentment still rankled in his heart, and he thought of raising against the Swiss a new and formidable enemy. He repaired to the court of Charles, duke of Burgundy, and mortgaged to him the districts of Suntgau, Brisgau, part of Alsace, and the four forest towns, over which Charles appointed as governor Peter of Hagenbach, a declared enemy of the Swiss, who encouraged his subalterns in every species of vexation against the citizens of the cantons and their allies.

Charles the rash, as he has been styled,\* was perhaps the most powerful prince of his time in Christian Europe. His dominions extended from the Jura and the banks of the Rhine to the sea of Holland. Franche Comté, Burgundy, Alsace, Lorraine, Picardy, Flanders, were subject to his sway. He had driven René, duke of Lorraine, from his territory, and had threatened Louis XI. under the very walls of Paris. Brave and skilful in war as well as in affairs of state, but irritable and impatient of contradiction, he became through the violence of his temper the cause of his own ruin. He saw with an evil eye the prosperity and growing importance of the Swiss commonwealths in his neighbourhood, and paying no attention to the remonstrances of the Swiss cantons, and especially of Bern, against the vexations of his governors, he treated with insolent contempt a solemn deputation sent to him by the Bernese senate. Louis XI., a bad but shrewd monarch, watched with satisfaction the approaching rupture between his bitterest enemy and the Swiss, whose valour his experience enabled him to estimate. He flattered the cantons, sent gold chains to their leading councillors,—for the Swiss republicans had become sensible of the value of presents,—and at last concluded an alliance with them in 1474, by which he promised each of the eight cantons 2000 francs a year, besides 20,000 guilders for the expenses of the war. The emperor Frederic III. was not on good terms with Charles, whose request to constitute Burgundy and Belgium into a kingdom the emperor had refused. Sigismund of Austria had been disappointed in his hope of marrying Mary, Charles's daughter, and repented of having pledged to him so many fine districts, whose inhabitants were cruelly persecuted by Hagenbach, Charles's bailiff. Sigismund offered to redeem them, but his proposal being peremptorily rejected, at the instigation of the king of France he concluded a treaty with the cantons, which was styled the *hereditary union with the house of Austria*, by which the latter acknowledged and guaranteed for ever the actual possessions of the Swiss, and the cantons on their side guaranteed Sigismund's dominions.

Charles, having had information of these negotiations, sent messen-

\* He was the last of the second ducal dynasty of Burgundy, a branch of the Valois, founded in 1364, by a donation from John, king of France, to his son Philip, called the *hardi*. M. de Barante has recently published an excellent history of the second house of Burgundy.

gers to the cantons to say that he wished to remain at peace with them, that he would make inquiries about the conduct of his own bailiffs, and of Hagenbach in particular, and would prevent any future annoyance being offered to the cantons, as he had taken in mortgage the districts on the Rhine from Sigismund of Austria, at the personal request of the latter, and not with any hostile views against the Swiss. The cantons of the Waldstätten, as well as Luzern and Zug, received the declaration of Charles's ambassadors with every mark of gratitude and friendship for the duke. But Bern and Soleure, who had suffered most from the duke's agents, were not so easily satisfied. They complained chiefly of Hagenbach, and of the continual vexations he offered to their allies of the cities of Basle, Strasburg, and Mulhausen. It is evident that Charles was only endeavouring to gain time\*, in order to complete his preparations of war. Hagenbach, knowing his master's dispositions, redoubled his acts of oppression. He styled the burghers of the free towns *villains*, and one of his familiar expressions was, "By heaven, you *villains*, we will make you pass under the yoke." But having entered, with a small retinue, the town of Brisach, near Basle, to effect some new act of violence, the inhabitants took him prisoner. Sigismund assembled a criminal court in May, 1474, to try him, at which deputies from the Swiss cantons of Bern, Soleure, and Luzern attended. Hagenbach was condemned to death and beheaded†.

Charles, irritated by the news of the death of his favourite, declared war against the duke of Austria. He wished at the same time to lull the cantons, to prevent them from assisting Sigismund. But deputies of the towns of Alsace, which were in alliance with the Swiss, came to demand protection from the confederation; and a diet was accordingly assembled at Luzern in August, and Bern, whose councils were then directed by the avoyer Diesbach, an eloquent and enterprising old man, who had succeeded in removing from the government Hadrian of Bubenbergh, and others who were favourable to Burgundy, succeeded in prevailing on the diet to declare war against Charles. The troops of the confederation began the campaign in October with 18,000 men, and, crossing the Jura, took Pontarlier and other places. They invaded at the same time the Pays de Vaud, whose nobility had sided with Charles, and took possession of Grandson, Orbe, and Morat, and committed great devastations in those districts. The duchess of Savoy, notwithstanding her promise to remain neutral, allowed her vassals, and among others her relative James of Savoy, baron of Vaud, to recruit troops for the service of Charles. The troops of Bern and Soleure overran the whole district, to the banks of the Leman lake, as far as Geneva. The Valaisans, on their side, took possession of St. Maurice, which formed part

\* Mémoires de Commines, t. iv. p. 392.

† This tragical event forms a striking episode of one of Sir Walter Scott's novels, "Anne of Geierstein."

of the Chablais, a province of Savoy. Charles, meantime, having made his peace with the king of France, and also with the emperor, in 1475, turned all his vengeance against the league of the cantons and the free towns. He crossed the Jura with an army of 60,000 men early in the year 1476, and began the siege of Grandson, where the Swiss had placed a small garrison. The Swiss defended themselves bravely against the reiterated attacks of the Burgundian troops. Charles, irritated at having lost ten days before this insignificant fortress, threatened to hang all the Swiss that were in the place. The commander and some of his men, seeing no prospect of being relieved, became intimidated, and they listened readily to the suggestions of a Burgundian knight, who promised them, on the part of the duke, a safe conduct, if they gave up the place. The garrison accepted the offer, made a present of 100 florins to the mediator, and came out. But the duke had them seized, stripped of their clothes, and some hanged on the trees, and the rest drowned in the lake, to the number of 450 men. The duke was instigated to this act of cruelty by the count of Romont and several other noblemen of the country around, who had a grudge against the Swiss. Horror and rage seized the confederates, who had assembled at Neuchâtel, at the news of this atrocious deed: they marched immediately, to the number of 20,000, upon Grandson. Their advanced guard, composed of the men of Schwytz and of the mountaineers of the Bernese Oberland, issued at break of day of the 3rd March, 1476, from among the vineyards near the banks of the lake, and in sight of Grandson. Charles hurried out of his entrenched camp, with only part of his army, to attack the Swiss. The troops of Bern, Friburg, Soleure, and Schwytz, who were in advance of the rest, knelt down, according to their custom, to implore the favour of Heaven for their cause. Charles's soldiers imagined that they were begging for mercy, and they sent forth shouts of triumph. But they were soon undeceived. The Swiss formed themselves into a square, having the spearmen in the first rank. The cavalry of Burgundy charged them repeatedly, but without effect; and at the third charge their commander, the lord of Chateauguion, was killed, with many other noblemen. At the same time another body of the confederates appeared on the hills, their arms shining in the noonday sun. The banners of Zurich and Schaffhausen were seen, and the horns of Uri and Unterwalden sounded the charge. Duke Charles, who had fancied that the main body of the Swiss consisted of the square battalion before him, inquired what new troops those were on the hill? "They are the men before whom Austria has fled," answered the baron of Stein. "Woe to us then!" cried Charles; "a handful of men has kept us at bay till now, what will become of us when the rest join them?" and he ordered his advanced guard to fall back on the main body of his army. The vanguard, mistaking this movement for a flight, ran in confusion towards their camp. The Swiss followed them close, and drove them "like a

herd of cattle" (to use the words of Muralt, who was present) as far as Montagny. They then took possession of the camp, in which they found more than a million of florins, in precious metals and other valuables\*, for Charles was fond of pomp and luxury. More than 3000 women were in the train of his army. The loss of the Burgundians in men, however, was not very great, and Charles soon collected his army again; while the confederates, as usual with them, seeing no enemy in the field, retraced their steps homewards. Before they separated, however, the Swiss dubbed as knights, on the field of battle, several gentlemen who had distinguished themselves in the combat, among others Roll of Bonstetten, baron of Usteri; Felix Schwarzmaurer; John of Breitenlandenberg, of Zurich; John of Halweil; John Frederic of Mulinen, of Bern; and John Schlierback of Basle.

In the month of May the duke of Burgundy advanced again by Lausanne towards Morat, which place was defended by Bubenbergh of Bern, with a garrison of 1500 men. Bubenbergh was determined to avoid a repetition of the catastrophe of Grandson. He administered an oath to his soldiers that they would run through the body any one, without distinction of rank, who should exhibit any sign of pusillanimity or irresolution. Morat was battered and a breach effected, but at the assault the troops of Burgundy were repulsed. The confederates, meantime, hastily reassembled their contingents and those of their allies, which when united formed altogether an army of 30,000 infantry and 4000 cavalry, about one half the number of the duke's forces. Many noblemen of high rank joined the Swiss, among others the count of Gruyère, René duke of Lorraine, count Oettinger of Strasburg, and count Thierstein, with a party of Austrian gendarmes. Schaffhausen, Basle, St. Gall, and Sargans sent their contingents by forced marches. John Waldmann, with 5000 men from Zurich, entered Bern in the evening before the battle: the streets of the city were lighted up, and tables were spread before the houses with refreshments for the soldiers. After a short rest, the Zurichers continued their march towards Morat. Next morning, 22d June, the anniversary of the victory of Laupen, the Swiss came in sight of the enemy's camp. Duke Charles had drawn his army in long lines from the shores of the lake of Morat to the hills on his right. The sky was overcast and the rain fell in torrents. The Swiss, on arriving in presence of the enemy, halted and knelt down to pray. At this moment the sun broke out from behind a cloud. John of Halweil, who commanded the advanced guard, waved his sword, crying out, "Confederates, God sends us the sun to shine on our victory!" It was now noon, and the duke, thinking

\* The large diamond of the duke was found by a Swiss soldier, who, being unacquainted with its value, sold it for a few florins to a priest. After passing through several hands, it was purchased by some Genoese merchants for 7000 florins, and sold to pope Julius II. for 20,000 ducats. It became the principal ornament of the papal triple crown.



the Swiss had no intention of fighting on that day, ordered his troops back to the camp. As soon as this movement began, the confederates advanced upon the retiring battalions, and having taken some of the duke's cannon they turned them against his own men. Halwyl, with the left of the Swiss, turned the flank of the Burgundians, while Buben-berg detached 600 men of his garrison for the same purpose on the opposite side, and the main body of the Swiss, under general Hertter, advanced in good order, and pressed the enemy in front. The fight now became general, the duke's troops, taken between two fires, gave way and fled in confusion. They were pursued by the cavalry as far as Avenches. The slaughter of the Burgundians was dreadful; the war cry of the Swiss was *Grandson!* and it excited their revenge. The duke, seeing that all was lost, galloped off the field, followed only by thirty horsemen, and did not stop till he arrived at Morges, fourteen leagues distance from Morat. Fifteen thousand of his men lay dead on the field of battle, and above 10,000 found their death in the waters of the lake. The tents, baggage, and equipages of the duke fell into the hands of the conquerors\*.

The Swiss, joined by the count of Gruyère, took Moudon, Lausanne, and other places belonging to the house of Savoy, whose vassals had joined Charles in the contest. Louis XI. of France, who was allied to that family by marriage, sent deputies to mediate between it and the confederates. A congress was held at Freyburg, at which the envoys of France, those of Sigismund of Austria, of the duchess of Savoy, and of the Swiss cantons, as well as René of Lorraine, the count of Gruyère, and the bishops of Geneva and Strasburg were present. It was agreed that the *Pays de Vaud* should be restored to the house of Savoy in perpetuity, upon the latter paying 50,000 florins to the confederates. Morat, Grandson, and some other districts were given up to Bern and Friburg. Geneva, on account of the hostility it had shown against the Swiss during the war, was to pay 24,000 florins. The following year, 1477, Yolande, duchess of Savoy, renounced her rights on Freyburg, on condition that the city should cancel a debt of 10,000 florins owing to it by Savoy. Freyburg again became a free town allied to Bern, and resumed the imperial eagle on its banners.

A deputation was sent by the Swiss to Louis XI. to receive payment of 24,000 florins which that monarch had promised the cantons as a subsidy towards the expenses of the war. The king received the deputies with great distinction, and paid the sum, which was equally divided between the cantons. Hadrian of Buben-berg, the defender of Morat, received also a considerable present from Louis.

Charles of Burgundy, ever restless and ambitious, laid siege to the

\* The chapel which was raised on the spot, and where the scattered bones of the Burgundians were collected, was destroyed in the French invasion of 1798. A pyramid has since replaced it, by the side of the high road from Bern to Lausanne.

town of Nancy in Lorraine, in October, 1476. René duke of Lorraine, demanded in person assistance of the sovereign council of Bern. After some difficulties, René was allowed to enlist as many Swiss as he could. He collected 8000, under the orders of John Waldmann of Zurich; these men set out from Basle towards the end of December, 1476, during a most severe winter, and they mainly contributed to the victory which René gained before Nancy on the 5th January, 1477, in which Charles of Burgundy, being betrayed by the count Campobasso, who went over to the enemy, again lost the day, and was killed by his pursuers in a marsh while trying to escape. Thus ended the war of Burgundy, one of the most glorious as well as the most just in which the Swiss were ever engaged.

After Charles's death, the states of Upper Burgundy, called also Franche Comté, sent deputies, with the bishop of Besançon at their head, to Bern to propose alliance with the cantons, or, if more expedient, their incorporation with the Swiss confederation, with the guarantee of their privileges and liberties. The Bernese were for the union, "the Vosges," said they, "will then be our rampart against France." The other cantons, especially the mountain ones, feared a too great extension of the confederation; they felt already jealous of the power of Bern, and of the other town cantons; they were alarmed at the idea of finding themselves thereby involved in foreign wars. The offer was, therefore, rejected, but a perpetual peace was offered to Franche Comté, on the condition of payment by the latter of 150,000 florins. The states of Franche Comté could not raise this sum. Louis XI., who coveted that fine province, offered to pay the Swiss the same amount, if they would not oppose him in its conquest. At the same time Maximilian, archduke of Austria, son of the emperor Frederic, having married Mary, Charles's only daughter, claimed Franche Comté as her inheritance. The cantons resolved to maintain neutrality, but they could not prevent their men from enlisting on either side. The passion for military adventure, and for the gain arising from it, had made a fatal progress among the once simple Swiss. The country was full of young men who had lost in war the relish for domestic life and honest labour. Louis XI. encouraged this propensity by flattery and presents. He gave pensions to the gentlemen, magistrates, and other persons of influence in the country, who were not ashamed to recruit for him. The historian Philip de Commines foresaw the evil results of these practices to the Swiss themselves. "They," he writes in his *Memoirs*, "have become so fond of money, especially of gold pieces, to which they were little accustomed before, that they are now ever on the point of quarrelling among themselves, and this may lead to their ruin." The cantons forbade recruiting under severe penalties, but it was too late. At last, in 1479, they yielded to Louis XI., notwithstanding the remonstrances of the archduke of Austria, and gave up to him Franche Comté, for the sum of

200,000 florins. They also made a treaty of alliance with him, by which Freyburg and Soleure gave him a subsidiary force of 6,000 men. But the number of adventurers in Switzerland had become so great, that they could not all find employment in foreign service. Bands of idle and dissipated young men went about the country armed, living merrily as long as their share of the booty made in the war of Burgundy lasted, and afterwards proceeded to Bern, Freyburg, and Geneva, to ask for more, saying they had been defrauded of their full due. They, however, committed no excesses, but Geneva and Lausanne were obliged to pay them part of what they claimed, and at last they dispersed. Disorders broke out in another quarter. In the year 1478 some young men of Uri had an affray with the Milanese traders in the Val Leventina, and ill-treated the inhabitants of the villages on the frontier. Upon this the duchess Sforza, regent of Milan, dispatched a force to that quarter. The canton of Uri took the part of the youths, and asked assistance from the confederates, who granted it with reluctance. The advanced guard of the Swiss, consisting of 600 men, encountered the Italian forces, several thousands in number, near the village of Giornico. It was at the end of December, 1478. The Swiss opened the sluices of the river Ticino, and made it overflow the slope of the hill on which they stood; and the short turf was immediately covered with a crust of ice. They were themselves furnished with ice shoes garnished with iron spikes, by means of which they descended sure footed against the Italians, who were labouring up the slippery hill in disordered ranks. Theilig, a warrior of Luzern, rushed among them sword in hand, a dreadful slaughter ensued, and the Milanese army fled in confusion as far as Bellinzona, before a few hundred men. The duchess of Milan, struck with this extraordinary feat, made peace by giving up certain districts to the canton of Uri, on condition that the latter should send every year to the cathedral of Milan a wax torch of three pounds weight.

Freyburg and Soleure had fought faithfully and valiantly for the confederates in all their late wars; they requested in 1481 to be admitted as cantons in the confederation, and Bern warmly supported their request. But the mountaineers of the forest cantons objected to it; their jealousy of the growing power and wealth of the town cantons made them dread to increase their number, lest they should at last gain the ascendancy over the whole confederation. The town cantons, on their side, whose form of government was aristocratic, and who held numerous dependent districts in the country, which they had either conquered or purchased, supported each other in their policy, fearing that the example of the democratic institutions of the small cantons might some day induce their own subjects to revolt. A conspiracy which was discovered at Luzern confirmed the fears of the town cantons. Peter Amstalden, a warrior peasant of Entlibuch, a district subject to Luzern, had suffered grievances from the bailiff sent by that state, and he

resolved, with his friends and some men from Unterwalden, to destroy the government of Luzern itself. On the day of St. Leodegar, the conspirators were to seize and kill the avoyer, the members of the council, and 100 men of the principal families; the walls and towers of Luzern were to be razed, so as to leave it an open town, and the Entlibuch was to become an independent republic. Some incautious expressions of Amstalden disclosed the secret. He was tried, confessed all, and was beheaded.

A general congress of all the confederates was convoked at Stanz in the Unterwalden in 1481, to regulate, among other things, the fair distribution of the Burgundian plunder, and to decide on the admission of Freyburg and Soleure. The deputies of the forest cantons broke out in violent upbraidings and threatening against the towns, the latter, and Luzern in particular, complained bitterly of the encouragement given by the forest cantons to the dissatisfied peasantry; from recriminations the deputies were on the point of coming to blows. The confederation was threatened with dissolution. There lived at that time, in the solitudes of Obwalden, a pious hermit, called Nicholas Lœvenbrugger, but known by the name of Nicholas von Flue, from a rock near which his dwelling stood. He had fought in his youth, in the war of Thurgau, and had made himself conspicuous by his bravery and humanity. Having returned home, he took an aversion to all worldly things, and determined to consecrate the remainder of his life to prayer and meditation. One day he took leave of his assembled relatives, and embracing, for the last time, his wife, by whom he had had ten children, he left her the whole possession of his patrimonial estate, and assuming the coarse garb of a hermit, took up his lonely abode in a cell on a mountain, with bare boards for his bed, and there spent his life amid fasting and prayer. Once a month only was he seen, when he went to receive the sacrament at church. He had lived many years in this manner, and the reputation of his sanctity was great in the whole Waldstätten. The report of the fatal discord arisen among the confederates penetrated into his cell, and feeling the heart of a citizen again throb in his bosom, he quitted his solitude, and, repairing to Stanz, suddenly appeared in the hall where the angry confederates were assembled. His tall emaciated form, his mild and, though pale, still handsome countenance, beaming with peace and charity towards all men, struck awe among the rude debaters. They all rose instinctively at his entrance. He spoke to them words of concord, and, assuming the dignity of an apostle of truth, he entreated them in the name of that God who had so often granted victory to the generous efforts of their fathers and forefathers, when fighting in a just cause, and who had blessed their country with independence, not to risk now all the blessings they enjoyed by a vile covetousness or a mad ambition, not to let the fair fame of the confederation be stained by the report of their intestine broils. "You towns," added he, "renounce partial alliances among yourselves,

which excite the jealousy and suspicion of your elder confederates; and you people of the Waldstätten, remember the days in which Freyburg and Soleure fought by your side, and receive them in your common bond of alliance. But confederates all," added he, "*do not widen too much the hedge which encloses you*; do not mix in foreign quarrels; do not listen to intrigue, or accept the price of bribery and treachery against your common land." This simple but pathetic appeal of a man who seemed hardly to belong to this world, and who had no personal interest to gratify, except the love of his countrymen, made a deep impression on the assembly. In one hour all their differences were settled. That same day (22d December, 1481), Soleure and Freyburg were received into the Swiss confederation, under the conditions that they should not engage in any war or form any alliance without the consent of the eight old cantons, and that they should submit to the arbitration of the latter in case of disputes arising between them and another canton. After this, the assembly proceeded to frame a convention upon other debateable matters, about which it also requested the advice of Nicholas of Flue. This was called the *Convention of Stanz*. It was agreed, 1. That each canton shall punish severely those of its citizens or subjects who commit hostilities against another canton. 2. That any canton unjustly attacked shall be assisted by the others. 3. In case of a revolt against the government of one of the cantons, the others are not to encourage the discontented, but, on the contrary, unite for the purpose of restoring peace and obedience to the laws. 4. Not to allow any assemblies contrary to the laws. 5. That all offences shall be tried by the judge of the place where they have been committed. The former regulations, such as the Pfaffenbrief\* of 1370, and the Sempacher Brief of 1393, were confirmed, and an equitable system was determined on by which future conquests or booty made by the confederates should be distributed; namely, that *all the moveables should be equally divided in proportion to the men of all the cantons who shall form part of the expedition, and that the lands and other immoveables should be shared equally among the old cantons*. These terms being agreed upon and sworn to, Nicholas von Flue returned to bury himself in his solitary cell, and every deputy repaired to his respective canton. Rejoicings were made all over the country, and the bells of every church, from the Jura to the Alps, announced the joyful tidings of peace.

After the death of Louis XI., Charles VIII., who succeeded him, renewed the alliance with the Swiss cantons, one of the conditions being the faculty of recruiting among them, in exchange for subsidies paid by France to the Swiss. The friendship of the confederates was now courted by most sovereigns; the pope, the house of Austria, the duke of Milan, and even Mathias, king of Hungary, made treaties with the Swiss. Volunteers enlisted, sometimes with, at others without, the consent of the

\* See pages 65 and 73.

cantons, into the service of foreign powers, especially during the Italian wars which raged at that period, for the possession of the Milanese and the kingdom of Naples. Nor was this the only proof of the growing importance of the Swiss; the cantons offered to mediate for the termination of the differences between Charles VIII of France, and Maximilian of Austria, king of the Romans; and their mediation being accepted led to the peace of Senlis, in May, 1493, between those two princes, by which the county of Upper Burgundy was ceded to Maximilian. Charles VIII. being next at war with Ludovico Sforza, who had usurped the duchy of Milan, offered to the Swiss the districts of Bellinzona, Locarno, and Lawis or Lugano\*, south of the Alps, if they would assist him in the conquest of the Milanese. The cantons accepted the offer, with the exception of Bern, which preserved a strict neutrality, and no less than 20,000 men were raised for the French army in Italy.

This conduct of Bern excited fresh jealousies between that republic and the popular cantons, who were attached to France, which showered pensions and bribes among those once poor and simple mountaineers. But a common danger came in time to unite the Swiss for their common defence.

Maximilian succeeded in 1495, by the death of his father, Frederic III., to the imperial throne. After his elevation, he convoked a general diet, and he established at Worms a court styled the Imperial Chamber, before which all the civil affairs of the empire were to be laid, and which was to be supported by contributions from all the members of the empire. A subsidy was also ordered to be raised of the hundredth penny, for the sake of defraying the expenses of the war against the Turks. Maximilian communicated these ordinances to the Swiss diet assembled at Zurich in 1496, and ordered the cantons, as members of the empire, to conform to it. The emperor required them likewise to join the great Suabian league, of which he made himself the head, and which had been formed in order to settle intestine differences, and he commanded them to furnish him a contingent of troops. The Swiss, in all their wars against the dukes of Austria and the emperor of the same family, had never renounced their allegiance to the German empire, however ill defined and problematic that allegiance had become. It was now Maximilian's object to make of Switzerland a circle of the empire, as he had done with Burgundy. Most of the cantons replied to Maximilian's ambassadors, that their alliance with France did not allow them to enter into any engagement which might militate against the interests of that power, and that the Swiss having achieved their independence, hoped to be left undisturbed in possession of it. The pope's legate threatened excommunication against the cantons who still held by their French alli-

\* These districts, after being for centuries subject to the Swiss, now form the canton of Ticino, the only Italian canton of Switzerland

ance, and the emperor summoned several of the allies of the confederation before the Imperial Chamber. The town of St. Gall was put to the ban of the empire. Maximilian having inherited, by the death of his cousin Sigismund, in 1497, the dominions of Austria, applied to the cantons for the renewal of the "hereditary union," and demanded likewise that the Swiss would not favour the views of Louis XII., who had succeeded Charles VIII., upon the Milanese. The cantons, in reply, insisted, as a preliminary step, on the redress of the grievances of their allies, and especially of St. Gall, before they listened to further proposals. Maximilian said to the Swiss deputies, who had attended him to Inspruck in the Tyrol, "You are rebels to the empire, and will oblige me at last to pay you a visit in person, sword in hand." Nought dismayed at this threat, the deputies replied that "they humbly begged his imperial majesty would abstain from such a visit, as the Swiss were rude-fashioned men who had not yet learnt the respect due to crowned heads."

Hostilities broke out first on the side of the Grisons. The Austrian regency in the Tyrol regarded with ill will those newly risen commonwealths on its frontiers, and some border feuds between the two countries kindled the flame. The Tyrolese made an attempt to surprise the convent of Munsterthal in January, 1499, but were repulsed by the inhabitants. The Grisons upon this demanded assistance from the cantons. Meantime the troops of the Suabian league, on their side, took Mezenfeld by force, in the month of February, and put the Grison garrison to the sword. But the Swiss having joined their allies, retook Mezenfeld and the strong pass of Luciensteg, the key of the Grison country. The troops of Bern, Freyburg, Soleure, Zurich, and Schaffhausen, entered the field against the Suabian league, ravaged the Hegeu, and formed a fortified camp at Schwaderloch, in a forest near the imperial town of Constance. But the principal scene of action was on the upper Rhine towards Bregentz, where 10,000 Germans were encamped; these the Swiss and the Grisons attacked and put to flight with great loss.

Louis XII. of France was not slow in turning to his advantage this quarrel of the Swiss with his rival Maximilian, who thwarted his views on the side of Italy. Louis sent ambassadors to Zurich, and concluded with the Swiss an alliance defensive and offensive, in which the amount of pensions and subsidies to be paid by France was stipulated. The cantons were deficient in artillery, and the king promised to supply them. Meanwhile, the war was carried on with unabated vigour on the upper Rhine. The Suabians and Tyrolese had entrenched themselves in a strong position at Frastenz, near the river Ill, from which they made incursions across the Rhine into the land of the abbot of St. Gall, and other allies of the Swiss. The confederates, having collected their forces, drove back the enemy, and crossing the Rhine in their turn, determined to force the German camp, under the command of Henry Wolleb of Uri. They dislodged the enemy from their redoubts, and notwithstanding

a formidable fire of artillery, which the Swiss avoided by lying down at each discharge, they stormed the entrenchments sword in hand, and completely routed the Germans, taking possession of the camp and of all it contained, including many pieces of artillery. The Suabians lost more than 4000 men in this affair. The emperor Maximilian was at that time engaged in the Netherlands, warring with count Egmont, about the possession of Guelderland. The Suabian league, alarmed at the successes of the Swiss, applied to him for assistance. He made a truce with Egmont, and arrived in April at Freyburg in Brisgau with 6000 men. Thence he issued a manifesto against the Swiss, in which he upbraided them in the strongest terms, calling them rebels to the empire, enumerating all the noble families which he said had been stripped by them of their patrimonial estates, and never considering that most of those families had brought their misfortunes upon themselves by their own injustice and oppression, whilst others had deliberately sold their rights to the Swiss. He concluded by inviting all the members of the empire to join their forces, in order to destroy these *rebel boors*. This manifesto produced but little effect in Germany, the great princes of the empire looking upon the quarrel as a personal one of Maximilian, provoked by him on slight grounds, a fact which his own state councillor, Birkheimer, in his account *De bello Helvetico*, acknowledges.

The Swiss meantime pursued the war, from their camp at Schwaderloch; they defeated 8000 Suabians who had entered Thurgau; they then crossed the Rhine, devastated the Kletgau, and took the town of Thungen, sparing the garrison nothing but their lives, and making them file off in their shirts through their camp, each soldier bearing a white wand in his hand. The noblemen they kept prisoners for the sake of ransom. They also took several castles, in one of which was the baron of Roseneck, an inveterate enemy of the Swiss, who was consequently excepted by them from the capitulation by which the garrison had their lives granted to them, together with whatever they could carry on their persons. The baron's lady, abandoning all her valuables, came out bearing her husband on her shoulders; and so touched were the Swiss by this ingenious trait of affection, that they not only gave the baron his liberty, but allowed his wife to take away whatever belonged to her\*. The Swiss then thought of joining their arms to those of the Grisons, in order to strike a blow on the side of the Tyrol. They heard, however, about this time, that the emperor was assembling a force of 20,000 men in the Suntgau for the attack of Soleure, which had thrown a garrison into the castle of Dornach, near Basle. This intelligence induced the troops of Bern and Freyburg to separate from the rest of their confederates, in order to protect their old ally Soleure. After some fighting in the Val de Motiers, the imperialists dispersed. The frontiers of the Grisons continued to be the

\* Watteville, Histoire de la Confédération Helvétique, vol. ii. p. 130.



principal theatre of the war. Fifteen thousand Tyrolese, and other German troops, from their position of Malsheraid, annoyed the Grisons, who, to the number of 8000, commanded by one Fontana, resolved to attack their entrenchments. Fontana mounted the first; being wounded in the abdomen, he supported with his left hand his protruding intestines, and defended himself with the right, until his friends joined him. With his dying breath he encouraged them to drive the enemy before them, and at last, exhausted, he fell into the ditch below. The entrenchments were carried by the men of Engadina, and the Austrians were driven away with the loss of 5000 men.

Maximilian himself repaired to Feldkirch in the Tyrol, where he assembled his troops to strike a decisive blow on the Grisons. He detached 2000 men, who penetrated into Engadina, and burnt several villages, but the desperate resistance of the inhabitants, and the want of provisions, obliged them to retire. The desolation was complete in those border countries; and the provinces of Maximilian had their full share of the work of destruction committed by the soldiers and partisans on both sides. Birkheimer, one of Maximilian's commanders, relates that in crossing the Tyrol he found the country utterly devastated and forsaken by the inhabitants; he mentions, in his account of that war, that he saw two women driving before them a troop of 400 children, like a flock of sheep, and that as soon as this crowd entered a green field, he saw them fall upon the grass, snatch it up by handfuls, and devour it, to satisfy the cravings of hunger.

In July, Maximilian held a numerous diet at Constance, and a triple attack was resolved against the Swiss; one on the side of the Grisons, another on that of Constance, and the third by Dornach near Basle. This last, however, was alone carried into effect, the other two attacks having been abandoned in consequence of the disunion which spread among the various princes whose contingents formed the imperial army. The count of Furstenberg, with 14,000 foot and 2000 horse, advanced to the castle of Dornach, which was defended by the men of Soleure. At this news Bern sent 3000 men under D'Erlach; and Zurich, and other cantons, sent also their contingents. Meantime the camp of Furstenberg before Dornach was a scene of dissipation and merrymaking, for the Germans having been informed that the whole Swiss force was assembled far away at Schwaderloch, rested in perfect security. As soon as the troops from Bern and Zurich reached Dornach, the avoyer of Soleure, who commanded the advanced guard, made his men assume the red cross of Burgundy, so that they were mistaken by the Germans for their own comrades, and allowed to enter the camp, where they soon began to use their muskets and their halberds, and spread confusion among the enemy. In the meanwhile, the main body of the army of Furstenberg had ranged itself in order of battle, and their artillery, as well as the charges of the Guedrian cavalry, greatly annoyed the con-

federates, and kept them at bay. At this critical juncture a reinforcement came up, consisting of the men of Luzern and Zug, and revived the ardour of the Swiss. The Germans began to lose ground, and in trying to retire across the river Birs, their retreat became a decided flight. Night prevented the confederates from pursuing them, but the count Furstenberg, with 3000 of his men, lost their lives in the battle. Next morning, 23d July, the troops of the Waldstätten also joined their allies, and the whole Swiss army marched upon Basle; but seeing nothing more of the enemy, the confederates, according to their custom, separated and returned to their respective homes.

In eight months Maximilian, by his own wanton aggression and obstinacy, had lost more than 20,000 men, while hundreds of towns, villages, and castles had been reduced to ashes on both sides; and he was now induced to listen to proposals of mediation which were made to him by Louis XII. himself, as well as the duke of Milan. After some negotiations, and some vacillations on the part of the emperor, peace was concluded at Basle in September, 1499, by which Maximilian yielded to the Swiss the high judicial power in Thurgau, and fully acknowledged their unconditional independence as a nation. The differences between the Tyrol and the Grisons were left to an amicable adjustment between the parties concerned. This war, called *the Suabian war*, was the last the Swiss had to sustain for their independence. From that time, and for three centuries after, neither Austria nor the German empire, nor any other monarchy, made any attempts or put forth any pretensions against the liberties of the Swiss cantons, which assumed their station as an independent power in Europe. The towns of Basle and Schaffhausen, in consideration of their attachment to their Swiss confederates, were received in 1501 as two additional cantons. The bishop of Basle, and the chapter, who were not favourable to the Swiss, had lost all their influence in that city, which by degrees made itself completely independent of them; and lastly Appenzell, another ally of the Swiss, became also one of the confederation in 1513, and completed the number of *thirteen cantons*, which have constituted the Helvetic body till within our own times: namely, Zurich, Schwytz, Uri, and Unterwalden, the three Waldstätten or forest cantons; Luzern, Glaris, Zug, Bern, Freyburg, Soleure, Basle, Schaffhausen, and Appenzell. All these were essentially German, both in their language and habits. Some districts belonging to Freyburg and Bern spoke Romance or French dialects; and the great bulk of the Pays de Vaud, which is essentially Burgundian or French in language and habits, was afterwards incorporated with Bern. But it is only since the overthrow of the old confederation by the French arms, at the end of the eighteenth century, that there are cantons in Switzerland which may be called French, and which were formerly allies or subjects of the thirteen cantons. These are Vaud,

Geneva, and Neuchâtel, while Bern and Freyburg continue mixed, though the German race and language preponderate in them.

The allies of the Swiss at the beginning of the sixteenth century were of two sorts—the *socii* and the *confœderati*. The first, which consisted of the abbot of St. Gall, the city of the same name, and the towns of Mulhausen and of Bienne, sent deputies to the federal diets, and, without being cantons, were considered as parts of the Helvetic body. The *confœderati* were either, like the Grisons and the Valais, allied to all the cantons, or only to some of them, which last was the case with the republic of Geneva, and the county of Neuchâtel. They did not send deputies to the diets, but were entitled to assistance in case of foreign attack. Several of these associates and confederates had also their *subjects*, as well as the cantons themselves.

The abbot of St. Gall was sovereign of a fine district extending from the river Thur to the lake of Constance, and including several little towns, such as Roschach, Wyl, &c.; he was also prince of the county of Toggenburg, as far as Glaris and Schwytz, and he had the lower jurisdiction over the Rheinthal. The abbot's palace, or rather castle, it being surrounded with walls and ditches, stands in the middle of the town, which had grown up around the abbey, but had become at an early period independent of it, whilst the jurisdiction of the abbot was maintained over the surrounding country, and to within a mile or two of the city gates. This singular state of things gave rise to frequent altercations, and it happened at times that the abbot was blockaded within the precincts of his abbey by the citizens of St. Gall, whilst his dependents in the country coming to his relief beleaguered the city.

Geneva and its bishop were under the protection of the German empire, and they also contracted an alliance in 1438 with the cantons of Bern and Freyburg in order to protect themselves against the dukes of Savoy, who having become masters of the surrounding country by cession from the counts of the Genevois, were attempting to establish their authority also within the city. The bishops continued to exercise a partial jurisdiction in concert with the citizens, till the Reformation.

The district of Neuchâtel had its counts, who were vassals of the empire and coburgers of Bern, till about the end of the fifteenth century, when the last count, Philip, died, leaving only one daughter named Jane, who married Louis d'Orleans, duke of Longueville. This prince, having taken part against the Swiss in their Italian wars, was deprived of his possession of Neuchâtel in 1512 by the cantons of Bern, Freyburg, Soleure, and Luzern, who sent bailiffs to administer the affairs of the county in the name of the confederates. However, in 1529, through the mediation of France, Neuchâtel was restored to Jane, upon condition that the treaties with the four cantons should continue in force. Jane was the first to take the title of Princess Sovereign of Neuchâtel. She

died in 1543, and her son Francis, duke of Longueville, succeeded to the principality, to which the county of Valengin was united in the course of the same century. The town of Neuchâtel enjoyed peculiar privileges and franchises; it had its own treaties of alliance with the four above-mentioned cantons, and was included in the neutrality of Switzerland.

Of the Grisons and the Valais we have spoken already. These were the confederates of the Swiss cantons. The prince bishop of Basle, after having lost all authority over the city and canton of that name, entered into a partial alliance with some of the cantons for his great territories in the valleys of the Jura, as we shall have occasion to notice hereafter.

Thus it was that, two hundred years after the first declaration of independence by the Waldstätten, the confederation of the thirteen Swiss cantons, their allies and subjects, had become possessed of the whole country of Helvetia and Rætia, having for boundaries the Jura to the west, and the lake Lemman and the Pennine Alps to the south, the further chain of the Rætian Alps and the Rhine dividing it from Tyrol on the east, and the lake of Constance, and the course of the Rhine from Schaffhausen\* to Basle, marking its boundaries towards the north. These limits, which appear marked by nature's hand, Switzerland has ever since maintained, with the addition of some valleys on the Italian side of the Alps which were the subject of early contention with the dukes of Milan.

We have seen that the cession of the valleys of Bellinzona, Locarno, and Lugano was promised by Louis XII., when duke of Orleans, during the reign of his predecessor Charles VIII., to the forest cantons, if they assisted him in the conquest of the Milanese. The Swiss had done so†; the French, with their assistance, had become possessed of Milan, and the cantons now demanded the fulfilment of the compact on the part of Louis. But the French king, instead of acquiescing in their demand concerning Locarno and Lugano, claimed of them the restitution of Bellinzona, of which they were already in possession, the inhabitants having voluntarily put themselves under their protection. The blunt mountaineers answered, that they were determined to keep Bellinzona, and

\* The little canton of Schaffhausen, and the town itself, are on the right or Suanbian side of the Rhine, and consequently beyond the line stated. A very small portion of the canton of Basle is also on the same side.

† When Ludovico Sforza reconquered for a short time the duchy of Milan, in the beginning of the year 1500, he had 16,000 Swiss in his pay. The French had nearly as many in their army. While the two forces stood in front of each other at Novara, the Swiss diet sent orders to the Swiss of both parties, forbidding them to fight. But the French envoy, Brissey, bribed the courier who was entrusted with the order for the Swiss in the French camp, and he tarried several days on the road. The other courier having arrived at the quarters of the Swiss in the duke's pay, they obeyed the orders. The French commanders meantime attacked Novara, which Sforza being unable to defend, as his Swiss had forsaken him, he was taken prisoner with all his adherents. This has been represented by Guicciardini and other historians as a treachery of the Swiss, but the MS. correspondence of Morone has revealed the truth, Verri, *Storia di Milano*, ch. xx.

that "if his majesty did not choose to ratify the cession, they would appeal to God and their stout halberds." And they kept their word. After several fruitless negotiations the forest cantons took up arms in 1503, demanding of their confederates their contingents as stipulated by treaties. The other cantons, after vainly endeavouring to avoid a rupture with France, felt themselves bound to send their troops; and an army of 15,000 men was collected, which, crossing the Alps, occupied in a few days the whole country around the Lago Maggiore. Louis XII., in his quality of duke of Milan\*, offered to make peace by giving up to the three cantons Bellinzona and some other districts in perpetuity. The treaty was signed on the 10th April, 1503. But the Swiss had become mercenary in their engagements with foreign powers. A few years afterwards pope Julius II., the declared enemy of the French in Italy, having, by means of Matthew Schinner, bishop of Sion, formed an alliance with the cantons, obtained from them a force of 6000 men, nominally for the defence of the papal states, but in reality for the purpose of attacking the French in Lombardy. In spite of the opposition of the French generals, the Swiss, in 1511, forced their way by Varese to the very gates of Milan, which was thrown into the greatest alarm by their sudden appearance; when all at once, owing to a misunderstanding among the confederates, their camp broke up and they retraced their steps homewards. The year following the Swiss, having renewed the "hereditary union"† with Maximilian, and with his grandson Charles, afterwards Charles V., they openly espoused the cause of the emperor and the pope against France. Julius sent them the banners of the holy see, and bestowed on them the title of "Defenders of the Church." They entered Italy by way of the Grisons and Trento, and, uniting with the Venetians, drove the French before them, and conquered the Milanese in the name of the *Holy League*, for that pope Julius had called his crusade against the French. Differences, however, broke out among the conquerors, concerning the disposal of the duchy of Milan. The Swiss, who had a garrison in the duchy, and the pope, insisted that it should be restored to Maximilian Sforza, son of Ludovico, whom the French had deposed and imprisoned. The Venetians, on their part, wished to keep Brescia and Crema, with the whole country as far as the river Adda; and the emperor put forth his own pretensions. All these powers, as well as the king of France, Ferdinand of Spain, and Henry of England, sent ambassadors to the Swiss diet, which was held at Baden. The cantons were

\* He claimed the duchy of Milan as being the heir of the Visconti through his grandmother Valentina, daughter of Gian Galeazzo Visconti. The family of Sforza succeeded to the Visconti in 1450, in consequence of the marriage of Francesco Sforza with Bianca Maria, the only child of Filippo Maria, son of Gian Galeazzo, the last duke of the Visconti dynasty. Francesco Sforza was succeeded by his son, Galeazzo Maria. At the death of the latter, in 1476, his infant son, Giovanni Galeazzo, was proclaimed, under the tutorship of his uncle Ludovico called Il Moro, who afterwards put to death his nephew and usurped the ducal crown.

† See page 96.

now courted, and bribes were offered to them by almost every court of Europe. But they stood firm in holding the duchy of Milan for Maximilian Sforza, and the emperor was ultimately obliged to accede to the treaty which was concluded at Baden in 1512. By this treaty Sforza engaged to pay the cantons 40,000 ducats annually, besides 200,000 ducats for the expenses of the war, and to give up to them in perpetuity Locarno, Lugano, and Valmaggia; the Swiss, on their side, guaranteeing to him the possession of the Milanese. The cantons then appointed deputies to instal Maximilian Sforza as duke of Milan. On the 31st December, 1512, Sforza made his public entrance into Milan, and received the keys of the city from the amman Schwartzmaurer of Zug, to whom he expressed his deep gratitude towards the Swiss for all their good services on his behalf. Thus we find the Swiss mountaineers, the *rebel boors* as Maximilian had styled them a few years before, bestowing the crown of one of the finest states of Italy against the will of that emperor. The Grisons, whose troops formed part of the Swiss army, took possession for their pains of the fine district of the Valteline, and the counties of Chiavenna and Bormio on the south side of the Rætian Alps, which had formed part of the Milanese, and they kept and governed them as subject bailiwicks till Bonaparte's conquests in Italy in 1796.

In 1513 the Swiss defended their Milanese ally Sforza against a new army of France, at the battle of Novara, in which they lost 2000 men, and killed more than 10,000 of the enemy. Guicciardini, the Italian historian, describes their bravery on this occasion as surpassing all that we read of the Greeks and Romans. At the same time, in order to make a diversion against France, and at the instigation of the ever-intriguing and restless Maximilian, a Swiss army of 16,000 men, paid by that emperor, and commanded by Jacques de Watteville of Bern, joined to an equal number of imperial troops, entered Burgundy, and laid siege to Dijon, which was defended by the French commander, La Trimouille. This officer, doubting of his ability to hold out, treated with the Swiss generals without having authority from his master to that effect: he stipulated in the king's name, that France should renounce her pretensions on Milan, and that she should pay the Swiss 600,000 crowns within a fixed time, on condition that the Swiss would leave Burgundy and return home; and for the due performance of these stipulations four persons of rank were named to be delivered to the cantons as hostages. This being done, the Swiss departed, without having consulted with the emperor their ally, alleging as a reason, that the emperor had not made the payments he had promised them. Louis XII. disapproved of La Trimouille's conduct, and would not listen to any renunciation of the duchy of Milan\*, to which he was still pertinaciously attached, notwithstanding all his reverses. But Guicciardini, who relates the above facts, does not notice the dishonest conduct of the French general with regard

\* Guicciardini, Stor. d'Italia, lib. xii. ch. ii.



to the hostages. It had been agreed that, beside La Trimouille's own nephew, the Sieur de Meziere, four of the principal inhabitants of Dijon, whose names were mentioned, should be given over to the Swiss. La Trimouille substituted in their place four persons of the lowest condition and under false names. This conduct was keenly felt by the Swiss, who, whatever may have been their love of money, were still observant of the faith of treaties. Blame was attached to their own generals, but the public indignation rose chiefly against France, and the ancient sympathy of the Swiss with that nation was turned into hatred. The flight of De Meziere, who broke his parole at Zurich next year, added to these angry feelings. The Swiss, as a measure of reprisal, arrested the president of Grenoble, who was at Geneva, and treated him severely. They then resolved to invade France again, and in 1514 sent deputies to king Henry VIII. of England, to propose an alliance for that purpose. Henry dispatched in return two envoys to Switzerland; but he suddenly concluded the negotiations on learning that the king of Spain had concluded a treaty of peace with France.

Leo X., who had succeeded the warlike Julius in the papal see, adopted a system of politics different from that of his predecessor. He inclined to peace with France, and offered his mediation between that country and the Swiss. In the midst of these negotiations Louis XII. died, in January, 1515; and Francis I., who succeeded him, assumed the title of duke of Milan, together with that of king of France. In notifying to the cantons his accession to the throne, he requested the renewal of their friendship. The Swiss replied that, if his majesty would ratify the treaty of Dijon, concluded under his predecessor, he might rely upon their friendship; but otherwise they could not listen to any proposals on his part. Francis made great preparations for war, and the emperor and the duke of Milan on their side strengthened their alliance with the cantons. The king of Spain also agreed that, should the French invade Italy, he would enter France on the side of the Pyrenees; he, however, did not keep his word, and the defence of the duchy of Milan was ultimately left to Swiss intrepidity alone. Hearing that a French army under Trivulzio, an Italian himself, and a commander of great abilities, had assembled at Lyons, the cantons sent no less than 40,000 men into Lombardy, who occupied the passes of Mont Cenis and Mont Genevre. But Trivulzio entered Italy by another pass, which leads by the Col d'Argentière into the plains of Saluzzo, and which the Swiss had neglected as impracticable. The Swiss then fell back upon Novara, and, finding themselves unassisted and alone, they were actually marching out of that town on their return to their country, when the subsidy of money promised by the pope reached them. This timely arrival decided the troops of Zurich, Basle, Schaffhausen, Appenzell, the forest cantons, and Grisons, to turn again towards Milan by the way of Galera. But the contingents of Bern, Friburg, and Soleure continued their retreat towards Domo d'Ossola, at the foot of the Alps. This separation of the Swiss was occa-

sioned by the intrigues of Francis I. among the cantons, with whom he had never ceased to negotiate. The Swiss troops at Galera, expecting to be attacked every day by the French, who had taken possession of Milan, solicited their countrymen to join them, and they were supported in their expostulations by Watteville, who commanded the Bernese, but in vain. The latter, having heard from their country that negotiations were far advanced, disbanded themselves; and of 7000 Bernese who were at Domo d'Ossola there remained together no more than 1000. At last the troops of the other cantons who were at Galera, with the exception of the Waldstätten and Glaris, agreed to a peace with France on the 8th September, 1515, and took the road towards the Alps. The men of the forest cantons refused to ratify the treaty, and those of Zurich and Zug, persuaded by Schinner, the cardinal of Sion, following their example, their united bands, not more than 10,000 strong, boldly took the road to Milan. Trivulzio, on hearing of their approach, abandoned that city, and took a position at Marignano, in order to prevent their junction with the pope's troops. The position of the little Swiss army was singularly critical. They had before them more than 40,000 soldiers of France, headed by the king in person, with whom several of the cantons had just concluded peace. But they were joined by a number of volunteers, among whom was a Winkelried, from Unterwalden, who left the ranks of the retreating army in order to assist their gallant countrymen in the hour of danger. The Swiss began the attack late in the afternoon; the French camp was fortified by a double entrenchment, and defended by a numerous artillery. On the report of the battle having begun, all the Swiss that were still lingering at Milan ran out without waiting for orders and joined in the attack. The Swiss forced their way into the entrenchments and seized part of the French artillery. Francis himself charged them at the head of his cavalry, and the combat continued with the greatest obstinacy till four hours after dark. At last the two armies separated through fatigue; the French retired to their camp, and the Swiss lay on the field of battle. The next morning, 15th September, 1515, the fight was renewed; but D'Alviani, who was bringing up the Venetian auxiliary forces, arrived in the midst of the battle, and took the Swiss in their rear. This circumstance obliged them to sound a retreat, which they effected in the best order to Milan, carrying away their cannon and their wounded in the midst of their column; and so astounded were the French by their intrepidity, that there was no one, either horseman or foot, who dared to pursue them. Trivulzio himself used to call this "*a battle of giants*." The number of Swiss engaged in the battle was about 18,000, of which 6000 were killed, with many officers, especially from Zurich and the forest cantons. The loss of the French was equally great\*. After this the Swiss took the

\* Verri, *Storia di Milano*, ch. xxii. gives some interesting particulars concerning this battle, taken from the chronicles of the time.



road towards the Alps, and the whole duchy of Milan submitted to Francis I.

In the following year (1516), the king of France, having agreed to give up to the Swiss the Italian bailiwicks, which had been the first origin of the war, a treaty of peace was concluded in November, at Freyburg, between France and all the cantons. This was called the *perpetual peace*. The principal conditions were that the bailiwicks of Bellinzona, Locarno, Lugano, and Valmaggia, were to remain subject to the Swiss, on condition that the privileges and liberties granted to these districts by the dukes of Milan should be maintained. The Valteline and county of Chiavenna were likewise to remain in possession of the Grisons. The allies of the Swiss were included in the perpetual peace with France. Each of the cantons, as well as the Grisons and the Valais, were to receive a pension of 2000 francs a year. The king was besides to pay 400,000 crowns for the expenses of the Dijon war, and 300,000 for those of the war of Italy. The Swiss merchants and other citizens were allowed free ingress and egress through the French territories, with the privileges they had enjoyed under the preceding reigns. In case of either of the contracting parties being engaged in war, the other was not to give assistance, or passage over its territories, to the enemy's forces; and lastly, all differences that might arise between the Swiss and the French were to be referred to arbitrators. This treaty has served as the basis of all subsequent treaties with France during the course of nearly three centuries.

In the subsequent wars of Francis I. in Italy, Swiss auxiliary troops fought in his ranks in several actions, especially at the battle of Pavia, in 1525, in which the king was made prisoner, and the Swiss lost no less than 7000 men. Such repeated and heavy losses gave them at last a distaste for those disastrous Italian wars, where they could gain nothing but a barren reputation of mercenary valour.

The authorities for this third period are mainly the same as for the preceding one. Barante, *Histoire des Ducs de Bourgogne de la Maison de Valois*, is an excellent authority for the events of the Burgundian war; and Guicciardini, *Storia d'Italia*, and Verri, *Storia di Milano*, are good authorities for the wars of the Swiss in Lombardy. The Grisons have also their native chroniclers, one of which, Porta, has written in the Romansch language: *Chronica Rhetica, ou l'istoria dal origine, guerras, alleanzas, et auters evenimaints da nossa cara Patria, la Rhetia, our da divers Authurs componeda da Nott da Porta, et per bain public, a cusst seis, fatta stampar da N. Shucan. In Scuol, anno 1742*. Tschudi, the Swiss chronicler, has also written about the Grisons: *De prisca ac vera Alpina Rhetia, cum cætero Alpinarum gentium tractu, Descriptio*. 4<sup>o</sup>. Basel, 1538.

## FOURTH PERIOD.

### SIXTEENTH CENTURY.

THE REFORMATION IN SWITZERLAND, FROM THE FIRST OPPOSITION MADE BY ZWINGLI TO THE SALE OF INDULGENCES IN 1518, UNTIL THE FINAL ESTABLISHMENT OF THE REFORMED RELIGION AT BERN, ZURICH, BASLE, SCHAFFHAUSEN, GENEVA, AND NEUCHÂTEL, AND IN PART OF GLARIS, APPENZEL, AND THE GRISONS.

WHILE the Italian wars between Austria and France employed the arms of the Swiss youth away from their own country, a most important change was silently taking place at home. This was no other than the great religious reform of the sixteenth century.

In Switzerland, as elsewhere, the abuses introduced during a long course of ages into the rites and discipline of the church, had reached a point which appears almost incredible to readers of our days. Removed, as we fortunately are, from those unhappy times, it becomes us to judge of them with calmness, and to guard against the exaggerations of party writers; yet it is impossible, after reading the mass of contemporary evidence, even of those writers who were conscientiously attached to the church of Rome, and adhered to it at the great crisis of the reformation, not to come to the conclusion that the disorders of that church, the worldly ambition of many of its prelates, and their notorious and uncensured profligacy,—the relaxation of its discipline, and the venality of its administration, brought its doctrines into discredit, and hastened the schism: and that church itself, after the great separation was consummated, derived from it this indirect benefit, that it became more vigilant over its members, more guarded in its actions, more correct in its decisions,—so that ever since that epoch it has not exposed itself to the same charges, and it has in a great measure disarmed the hostility of those who disclaim its tenets. The successive pontificates of Sixtus IV., Innocent VIII., Alexander VI., Julius II., Leo X., and Clement VII., for the space of sixty-four years, from 1471 to 1534, form perhaps the darkest period in the annals of the Roman hierarchy, as regards its moral and spiritual character. The personages that have succeeded each other in the chair of St. Peter since that epoch, down to our own days, have been, almost without exception, men whom it were highly unjust to compare with those above-named.

In Switzerland the corruption of the clergy at the beginning of the sixteenth century seems to have been even more general and barefaced than in other countries of Europe. There was a grossness in it which was characteristic of a rude, uninformed, and still imperfectly civilized people. Remonstrances had been several times made by various cantons on the increasing licentiousness of the churchmen. As early as August, 1477, the Bernese had complained to Benedict de Montferrand, bishop of Lausanne, that "they saw with grief the clergy of their country given up to libertinism, openly keeping concubines, and frequenting houses of ill fame." But little redress could be expected from that quarter, for we find repeatedly the burghers of Lausanne complaining still more bitterly of their own bishop, and more especially of Sebastian de Montfaucon, who filled the see in the early part of the sixteenth century, and "whose servants beat and killed the citizens in affrays, and the bishops protected them openly and by force from the hands of justice. And the canons, who then wore swords at their side like laymen, assaulted the citizens even in their houses and in church, seduced married women and kept them in defiance of the law, violated poor girls whom they enticed to their houses, and had a number of natural children whom they sent about begging, &c.\*" It is unnecessary now to multiply quotations about similar disorders which occurred in almost every part of the country; the chronicles of the times are filled with them; but one important and serious reflection ought not here to be omitted: the greater part and the most heinous of these disorders proceeded from one cause, the harsh and ill-devised regulation for perpetual celibacy enforced by the church of Rome upon its clergy after the tenth century,—not, as in the earlier ages of the Christian church; as a mere recommendation to those pious persons who felt able to conform to the rule, but as an absolute and irrevocable bond imposed for life upon every one who entered the sacred ministry. This has been the fruitful source of most of the calamities, the individual misery, and public scandal that have darkened the annals of the western church. Many of those monks and priests against whom satirists and novelists have railed for their incontinence, were in great measure the victims of an ill-judged system. It is true they had bound themselves to it, but they did so at an age when they were not aware of the extent of the obligation they incurred, an obligation which it may be a matter of doubt whether they had a right to impose upon themselves for life. This is no apology for licentiousness; but it serves to moderate in some degree our impressions in reading the history of past times; it transfers the principal weight of our censure from those who were the victims of the system, to the system itself; and it restrains us from aggravating errors which, under a more rational system of polity, would not have occurred. But this excuse by no means applies to those who made a profession of hypocrisy and a

\* See Ruchat, *Histoire de la Réformation en Suisse*, vol. i. p. 32.

trade of imposture, who availed themselves of their situation deliberately to carry corruption among their flocks, or who, shielded by the power of their order, set at defiance the laws of both God and man. Of these the epoch preceding the reformation affords many instances among the clergy. On the other side, the ambition of the popes Sixtus, Alexander, Julius, and Leo, the dissensions they fomented amongst the Italian states, their perpetual intrigues to establish their relatives in some principality or other, and the wars and bloodshed these intrigues occasioned, are all matters of political rather than of ecclesiastical history. The Swiss who fought in these wars of Italy, even in the Romagna, where Julius and Leo employed them against the petty local princes, must have watched the conduct of popes and cardinals, and must, it may be supposed, have been little edified by the scenes they witnessed in what they had considered the centre of Christendom, the fountain-head of religion. A cardinal, Schinner, after having occasioned a breach of faith on the part of the Swiss at the fatal battle of Marignano, acting again the part of recruiting serjeant, enlisted, for Leo, soldiers in Switzerland. The troops were raised first under the pretence of a war with the Turks, but in fact to assist the pope in his wars against Della Rovere, the duke of Urbino, which cost Leo 800,000 crowns, and afterwards in the wars against Francis I. The cantons had at this time, agreeably to their treaty with France, a body of 12,000 men serving under Lautrec, the French commander in Lombardy. But Schinner collected secretly a body of equal number to join the opposite party, and thus Swiss were brought to face their own countrymen. The cantons, hearing of this, sent orders to all the Swiss in Lombardy to return home. The regular contingent obeyed, but Schinner's recruits, being well paid by the cardinal and promised more, attacked the now weakened French, defeated them at the battle of La Bicocca, in April, 1522, and, in concert with the Spaniards, drove them out of Lombardy. Thus, by the artifice of a prelate of the church, Swiss faith was twice sullied, though not by the cantonal governments; and twice Swiss blood flowed in a mercenary cause against the faith of treaties. These transactions did not tend to raise the character of the hierarchy in the estimation of the Swiss, especially of those who returned home from the fatal Italian wars. The young men brought back with them habits of dissipation and profligacy not favourable to religious veneration. But even the friars laboured as it were to throw discredit on religious ceremonies and practices. A disclosure of monkish imposture had been made at Bern some years before, arising out of an ancient jealousy between the two rival orders of the Dominicans and the Franciscans. The former, to obtain a triumph over the Franciscans, resorted to pretended miracles: they worked on the weak fancy of a poor tailor called Jetzler, who had entered as a lay brother in the Dominican convent of Bern, and made him believe that several saints, and the Virgin herself, whom a friar person-

ated, appeared to him. Crowds flocked to the Dominican convent to see Jetzler, the favourite of Heaven, who exhibited on the palms of his hands and on his feet the *stigmata*, or marks in imitation of our Saviour's wounds, which the Franciscans boasted that St. Francis alone had ever borne. Jetzler's marks, it appears, were produced by corrosives. The whole was an impious piece of jugglery, but the friars relied too much on Jetzler's credulity; they were discovered; Jetzler confessed all: Pope Julius sent a legate to examine the friars, and the council of Bern having taken cognizance of the matter, four friars were condemned and burnt to death. This occurred in 1507.

Another subject of great scandal and mischief was the manner in which livings in Switzerland were bestowed upon foreign adventurers, chiefly Italians, who publicly bought them at Rome, or received them from the favourite retainers of the papal court, for the popes arrogated to themselves the right of nominating to all livings, even to those which were in the gift of local chapters and corporations. Furnished with the pope's bull, swarms of profligate young churchmen came to occupy the best livings in Switzerland\*. The licentious and heedless prodigality of the givers often bestowed the same living upon two candidates, who, meeting within the sacred precincts, undertook each to maintain his own claim by force. The Swiss cantons, in 1520, made remonstrances to Pucci, the pope's legate, about this scandalous abuse; and they issued an order banishing all *courtisans* (the name they gave to the clerical intruders on livings) as "wicked, ignorant persons, who had nothing of the spirit of God in them," and threatening, if found again within their territory, to drown them in sacks.

All the sacraments of the church, communion, confession, extreme unction, were made means of barefaced extortions. It was about that time that a German abbot exclaimed, that had not Luther come, *they would have at last persuaded the people to feed on hay!*

But the immediate cause of the schism with Rome was in Switzerland, as well as in Germany, Leo X.'s famous bull for the sale of indulgences in 1517.

The question of indulgences having acquired considerable historical importance, as the immediate cause of the Reformation, it may be well to explain it here briefly, adhering to the definitions given by Roman Catholic divines. In the earlier ages of the church repentant sinners, after confession, had to undergo certain punishments, often public, and very severe, in proportion to their offences. Some presbyterian churches have retained traces of the practice of public exposure and penance inflicted upon sinners in the face of the congregation. In the primitive church the penalties were very severe; they consisted of rigorous fasting, assiduous prayers, exposure for years during service at the gate of the church,

\* At Geneva, in 1527, of all the numerous canons of the cathedral only one was not a foreigner.

seclusion from social intercourse, and other austerities. But these penalties were in certain cases mitigated by the "indulgence" of the bishops, who abridged the austerities enjoined by the canons, having regard to bodily or mental weakness, and to the temporal necessities of individuals, and at times commuted them for works of charity and pious exercises\*. (*Maldonat de Indulgentiis*). This practice appears to have been sanctioned by the councils of Nicæa, Ancyra, and the fourth of Carthage. St. Cyprian, in his Epistles 11, 12, 13, and 14, informs us that in the periods of persecution the bishops, at the request of the confessors, granted to repentant sinners who were confined in prison by the heathens, an indulgence remitting to them the temporal penalty which they had incurred, but which they could not well perform in their state of confinement. But this indulgence of the bishops led also to abuses, of which several of the primitive fathers, even as early as Tertullian (*De pudicitia*) and St. Cyprian (*De lapsis*), complained, such as the bishop's granting it with too much facility or partiality, and also that simple priests assumed the power of granting indulgences, which ought to have been the exclusive privilege of bishops. Matters, however, continued in the same state for ages; the bishops granted indulgences on condition of the payment of money for religious purposes, and the ancient discipline of canonical penance was gradually laid aside. (Mabillon's *Annal. Benedict.*, vol. vi. p. 535, and also his *Preface* to the fifth cent. of the *Acta Sanctorum*.)

This substitution of money for a certain penance may be compared to a fine laid upon a person guilty of a lighter offence or misdemeanour. Upon the same principle the church of Rome grants in some cases a dispensation called "crusade" to persons who, for reasons of health, do not wish to abstain from meat on Fridays, Lent, and other fast-days, and who pay a certain sum for this dispensation. About the eleventh or twelfth century the popes began to grant "plenary" indulgences, that is to say, indulgences which remitted not only the temporal or canonical penalty, but also the penalty of purgatory, which, according to the Roman church, is awarded to the repentant sinner after death, in expiation of his sin, and as a satisfaction to divine justice. This, it has been contended by many, was a novel feature in the practice of indulgences, for the bishops formerly had remitted only the canonical penalty. Thomas Aquinas, however, contended that it was no innovation; for that the church has at its disposal a treasury of spiritual goods, consisting of the superabundant merits of the Saviour, and of the supererogatory good works of the saints, from which treasury the church can draw in favour of its repentant sons, so as to acquit them of the penalties

\* For a specimen of these penitential canons of the early church, and their severity, the reader may consult Halitgar's (a German bishop of the ninth century) *Penitentie*; the *Collectio antiqua Canonum Penitentialium* in Dacheius, or D'Aichery's *Spicilegium*, vol. xi.; and Regino's *Speculum Penitentiae*. See also Fleury, *Histoire Ecclésiastique*, vol. viii.; *Discours sur les six premiers Siècles*.

they have incurred both in this world and the next. The first plenary indulgences were granted by the popes to those who engaged in the Crusades for the recovery of the Holy Land. They were afterwards granted (for instance, in the Council of Lyons, A.D. 1245) to those who, unable to join the crusade in person, contributed to its success by voluntary donations. By degrees indulgences were granted for other purposes, for building or repairing churches, &c. Innocent III. granted plenary indulgence to all those who joined in the crusade against the Albigenses, promising them the kingdom of heaven if they fell in battle. In the following ages indulgences were regularly sold about the various countries of Europe; they were farmed in each province to contractors, who paid a fixed sum to the see of Rome, and who employed agents called quæstors, to go about retailing the written copies of the Bull of indulgence. In Germany, in the century before Luther, these indulgences were commonly sold for five ducats a-piece. The quæstors were often ignorant or licentious men, who gave offence by their flagrant immorality, and the local clergy repeatedly complained of this evil. The Council of Soissons, in 1456, banished the quæstors from France. (Harzheim, *Concilia*, vol. iv., *Supplement*, p. 945.) In the following century, the Council of Bologna, in 1547, drew a sad picture of the "detestable deceptions practised in the distribution of indulgences," of the cupidity of the quæstors, of their deluding poor and uninformed men with the promise of rescuing their deceased friends from the torments of purgatory, &c. Another evil consequence resulting from the indiscriminate sale of indulgences was, that many fancied that by their purchase they were at once free from guilt, and all its consequences, without any other trouble on their part, although the popes, in their bulls, generally explained that, without the necessary accompaniments of prayer, repentance, and reformation of life, no indulgence could be valid.

Julius II., wishing to erect the new church of St. Peter's, and being also in want of money for his Italian wars, published an indulgence in Poland and France; and after him Leo X., in his like necessities, extended the sale to Saxony and other parts of Germany. Leo addressed the papal commission to Albert elector of Metz, and cardinal archbishop of Magdeburg, who participated in the profits arising from the sale, and who devolved the responsible part of the duty on Tetzel, a Dominican monk, who, accompanied by many of his brethren, proceeded from place to place, selling his wares. In 1517, Tetzel began his round through the diocese of Magdeburg. Luther, who was then professor and doctor of theology at Wittenberg, was shocked at the presumption of Tetzel; when sitting at his confessional he heard the confessions of some of the purchasers of indulgences, who refused to submit to the penance or reparation which he enjoined to them, saying that the Dominican had by his indulgences released them from every penalty. In return, Luther refused them absolution, and they complained to Tetzel. Luther then drew

up his famous ninety-five theses or propositions in which he mainly contended that indulgences could only remit the canonical or temporal penalty, according to the old custom of the church, but could not extend to the penalties hereafter which may be exacted by Divine justice; that true contrition and amendment of life were the only means of obtaining forgiveness; that the remission of sin, and of the penalty incurred by it, could only be obtained by justification through faith in the redemption of Christ, and could not be purchased by money like a worldly favour.

Thus far Luther asserted no more than many catholics have asserted before and since his time. However, the church of Rome, by the decision of the Council of Trent, has continued to affirm its power of granting indulgences for penalties awarded both here and in purgatory; but the indulgences are no longer sold, they are granted on performing certain pious or charitable acts, and the bulls of indulgences contain the clause—"if any thing be paid for obtaining this indulgence, the indulgence itself becomes *ipso facto* null and void\*."

It has been generally said that the produce of the indulgences went to defray the building of St. Peter's church, but this is an error, for that splendid pile was merely begun under Leo, and very little of the indulgence-money went towards it; it was continued by thirty successive popes, and was not finished a century after Leo's death. The vast sums collected by the sale of indulgences went to supply the wanton expenditure first of the collectors, and then of the retainers of the pope and of his court and relatives. It has been also said that Leo gave his sister Madalena Medici, wife of Francesco Cibo, the whole produce of the indulgences in Germany, and that lady, or her agent Arcimbaldo, entrusted the management of the sale to the Dominican friars, one of whom, the notorious Tetzel, sold them in Saxony, where he was opposed by Luther. This, however, is refuted by Robertson's History of Charles V., book ii. in a note.

The cantons of Switzerland, the Valais, and the Grisons, and other neighbouring countries, were allotted to the Franciscans. Bernardin Samson, of the Milan convent of that order, had the Swiss cantons for his share. He passed the St. Gothard with his wares, his bulls, his red cross, and his banners, and began the sale in the centre of Uri, a poor district, where he made but little money. His practice was to proceed to the village church, and there descant on the wonderful value of his indulgences, after which he proceeded to sell them. From Uri he proceeded to the wealthier canton of Schwytz, but here he found Zwingli, the preacher at Einsidlen, who deliberately opposed his mission. As this remarkable man was the prime mover of the Swiss reformation, a short notice of him will not be here misplaced.

\* In the Bibliothèque Sacrée, ou Dictionnaire Universel Ecclésiastique, par les Pères Richard et Giraud, re-edited at Paris within the last few years, there is an elaborate article under the head "Indulgences," containing the approved and actual doctrine of the church of Rome on this intricate subject.



Ulrich Zwingli was born at Wildhaus, in the Toggenburg, in January, 1484. His father was a farmer in easy circumstances. Young Ulrich studied first at Basle, then at Bern. From Bern he went to Vienna in Austria, where he studied philosophy. Two years after he returned to Basle, when he went through his four years' course of theology under Thomas Wyttenbach, after which he was admitted master of arts. He was ordained and said his first mass in 1506. He was then appointed incumbent at Glarus, the head town of the canton of that name. He then applied himself to the study of Hebrew, of the fathers, and of the early history of the church, and he also perused the writings of Wicliff and John Huss. Although at that time a sincere Roman Catholic, it appears that he was struck with the changes that had been introduced into the government and discipline of the church, and he communicated his remarks confidentially, by way of letters, to several learned men with whom he had become acquainted. He continued ten years at Glarus, zealously discharging his duties, inculcating the practice of gospel morality, but avoiding as much as he could any allusions to the miracles of the saints, to the power of their intercession, to relics and images, to fasts and pilgrimages, and to other matters, of which he disapproved. This was remarked by the rest of the clergy, but Zwingli was protected from their rancour by the free constitution of the Swiss cantons, by which a priest was secured as well as a layman from arbitrary punishment. Zwingli was beloved by his parishioners, and respected for his irreproachable life. He twice accompanied as chaplain the troops of Glarus to the Italian wars. He was at Milan, when, at the instigation of Schinner, the rash battle of Marignano was fought, in which the Swiss sustained an enormous loss. Zwingli deplored these mercenary wars, and wrote several letters to the cantons entreating them to put a stop to these immoral enlistments, and to the effusion of the blood of his countrymen for interests not their own. After his return from Milan, he was appointed, in 1516, preacher to the famous church of Einsidlen, by Theobald, baron of Geroldseck, who was *avoué*, or administrator of the abbey. There he continued to preach in plainer language than he had done at Glarus, entreating his audience to seek forgiveness through the merits and the intercession of Christ alone, the Redeemer of the world, and not through that of the Virgin and other saints, and to look to the Scripture as the only safe rule in matters of faith. Cardinal Schinner, happening to be at Einsidlen, was pleased with Zwingli, who had several conversations with him, in which the cardinal appears to have agreed with him about the necessity of a reform in the church. But the cardinal was a worldly, ambitious man, too much engrossed by political intrigues to pay much attention to purely spiritual subjects. To him as well as to the bishop of Constance, Zwingli addressed his warm entreaties to begin immediately the work of reformation, *which ought to originate with the superiors*; to discounte-

nance the numerous abuses which had crept into the church; to check the idleness and profligacy of monks, and to instruct the ignorance of priests; for the people, said he, "are opening their eyes to all this corruption around them, and will lose all respect for the church, and the consequences will be fatal not only to the clergy but to the people themselves, who will lose all check over their passions, and will plunge heedlessly into every species of disorder and licentiousness." At this time it appears, Zwingli had not even heard of Luther; whose proceedings and opinions were first made known in Switzerland by the publication of his writings through the press of Froben at Basle in 1519.

It was in 1518 that Bernard Samson appeared in the canton of Schwytz to sell his indulgences. He had relied upon a rich harvest at the sanctuary of Einsidlen, but Zwingli was prepared: he openly forbade the friar admission to his church, and was supported in his refusal by the abbot and the baron. Zwingli then preached to the crowded pilgrims against the abuse of indulgences, and exposed the mercenary traffic of the friar. He, however, did not censure the head of the church, but laid the blame on the subordinate agents.

And, in truth, Samson, and the other retailers of the indulgences, carried the extravagance of their doctrines to a pitch of absurdity which could not have been countenanced by their superiors, and which would appear incredible to a Catholic of our own days, were it not proved by irrefragable testimony. They gave out that the bull of indulgences absolved both the living and the dead, and released not only from purgatory, but even from the place of eternal torments. Now the approved doctrine of Roman theologians, as we have seen above, is, that indulgences can only remit the punishments of purgatory for sins already committed and *repented of, penam sed non culpam*. No theologian asserts that indulgences can save an unrepentant sinner from hell-fire. The doctrine of indulgences is strictly connected with that of purgatory, of a place of expiation, after the *culpa* (not the *pena*) is remitted by repentance and absolution; it is essentially dependent on the doctrine of purgatory. But Bernardin Samson was not so nice in his distinctions; he pardoned not only past sins, but those which might be committed in future, and he evidently exceeded his instructions. Being repulsed from Schywtz, he went to Zug, where he exposed his indulgences to sale for three days. The crowd was so great, and so eager to reach the cross and to purchase the bulls, that one of Samson's attendants, with consummate effrontery, cried out, "Let those pass first who have money, we shall afterwards listen to the poor." Hence he went to Luzern and Unterwalden, and afterwards to Bern, where he hoisted his red cross and banners in the great church, in which he officiated with great pomp. The bulls he vended were some on parchment, and others on paper; the first were sold for a crown, the latter for two batzen. Some of both have been preserved in the archives of various towns. But

there were others more ample in their promises, and which cost very large sums. Ruchat, who wrote at the beginning of the last century, saw one which had been purchased by a gentleman of Orbe called D'Arnay; it had Samson's signature affixed, and had cost 500 ducats. Jacob von Stein, a Bernese captain, gave a fine grey horse in exchange for a bull, which was to include himself and his ancestors, his whole troop of 500 men, and his vassals of the lordship of Belp\*.

The last Sunday Samson passed at Bern he assembled the people in the great church, and having ascended the central altar he promised a complete forgiveness to all present who knelt down and recited three paters and aves. He then said that the souls of all the Bernese, where-soever and howsoever they had died, were at that moment released not only from purgatory, but from hell, and were in the act of ascending to heaven. He went away from Bern after making a large harvest, and directed his steps northwards. But the bishop of Constance, or rather his vicar Faber, a man of some learning, forbade him to preach in his diocese, as his bulls had not been presented at the episcopal chancery for registration. Samson tried Baden, where the rector gave him the use of his church. Every day after mass Samson went in procession round the churchyard, singing the office for the dead, and exclaiming from time to time *Ecce volant!* meaning that the souls of the departed were taking their flight to heaven. On one of these occasions a wag climbed up the belfry with a bag full of feathers, which he shook in the air, crying out at the same time *Ecce volant.* Some were for having the man tried and executed, but others excused him saying he was light-headed; and most of the good people of Baden laughed at the jest, and the man escaped.†

Samson attempted Bremgarten, but Bullinger, a friend of Zwingli, who was rector of the parish, resolutely opposed his entrance into the church, upon which Samson excommunicated him, and proceeded to Zurich. Here he again found Zwingli, who had lately been called by the chapter of that city as preacher to the Gross Munster, or cathedral, which office Zwingli accepted on condition that he should not be obliged to preach any thing but the word of God, and that the seller of indulgences should not be admitted. Even the partisans of Rome were now ashamed of the scandalous scenes enacted by Samson. Other cantons refused him permission to preach; and at last all remonstrated with the Pope, who recalled Samson in 1519. The monk departed, carrying with him, according to Stettler's Chronicle, no less than 800,000 crowns, besides gold and silver plate and jewels.

Zwingli proceeded now from the examination of the indulgences to that of the other doctrines of the papal church. In this task he was

\* Ruchat, book I., Hottinger. Ruchat gives extracts of some of the indulgences which he saw still in possession of some families of the Pays de Vaud.

† Hottinger, p. 41.

supported by other men of learning in various parts of Switzerland. Henry Lovit, of Glarus, called Glareanus, Kapflin, who latinized his name into that of Capiton, Hauschein, of Basel, styled *Æcolampadius*, the celebrated Erasmus, of Rotterdam, who had fixed himself at Basel, where he published his version of the Greek Testament, with notes, Henri Bullinger, of Bremgarten, Thomas Wittenbach, of Bienne, and Berthold Haller, of Bern,—all these assisted in the first work of reformation in Switzerland, lecturing against indulgences, and against the multiplicity of forms of external worship, “which fatigued the body without enlightening the mind, or purifying the heart;” they insisted upon prayers being said in the vulgar tongue, and religious instruction being rendered universal and easy. Gradually they were all led, excepting Erasmus, who stopped short of an open schism, to question the right assumed by the Roman see to decide definitively in matters of religion. The court of Rome, whose attention, engrossed by Luther's German reform, had taken, at first, little notice of the Swiss controversy, now interfered and threatened. The bishop of Constance forbade the preaching of the new doctrines in his diocese, and he ordered the chapter of Zurich to see that the bulls issued by the Pope against Luther's doctrines were registered and obeyed.

The mendicant orders now brought charges of impiety and sedition against Zwingli before the magistrates of Zurich, the reformer having spoken against mendicant friars. Zwingli published his apology, *Apologeticus Archeteles*, in 1522, which was read with avidity. Conferences were held at Zurich between the champions of the two parties; and although the result, as usual in such cases, led only to a more inveterate animosity and schism, each party claiming the victory for itself, yet it appears that the *evangelicals*, for such the reformers styled themselves in Switzerland, had a real superiority in the debates over the papal advocates. Attack is generally more spirited than defence. The new doctors were mostly men of pure morals; they were firmly and conscientiously persuaded of the justice of their cause; they were lovers of their country; they had studied hard in the works of the fathers, and were well acquainted with the early history of the church, whilst the defenders of the papal authority, accustomed till then to pronounce their sentences *ex cathedra*, and without fear of a rejoinder, were not in the habit of investigating deeply questions of dogma in their various bearings; with Hebrew and Greek they were little acquainted; Faber himself, who was considered a man of learning, acknowledged to Zwingli in a conference held between them, his total ignorance of the former, and his superficial knowledge of the latter language\*. There can be no doubt that at that epoch Rome was lamely and ineffectually supported by its own theologians. In after times her defenders have seen the necessity of deep study and research; they have become more

\* Zwingli, Opera, tom. ii, p. 613.

cautious, and at the same time more eloquent, as the writings of Bellarmine, Baronius, Bossuet, Gerdil, and others, can amply testify.

The Swiss reformers, born in a republican country, and at a time when the people, hardened by frequent warfare, still retained much of the sternness of character of their great ancestors who had fought the battles of Swiss independence, partook of their rude energy and national impetuosity; they had no idea of proceeding by degrees, and scorned all worldly discretion or circumspection. Thus Zwingli, not content with attacking the church, censured also the civil power, reproaching his fellow countrymen with their inconsistency in considering it "a sin to eat the flesh of animals during Lent, whilst they thought it lawful to sell human flesh to foreign princes." Upon hearing of this and other similar attacks, the deputies of the cantons assembled at Bern ordered his arrest. The great council, or legislative assembly of Zurich, however, protected him, and in that same year (1523) convoked all the clergymen of the town and country, and forbade them, under penalties, to preach any doctrines which were not clearly grounded on holy writ; at the same time they condemned images and image worship. In the following year the service of the mass was formally abolished. These decisions, accompanied by the motives of them, were communicated to all the cantons, and to the bishops of Switzerland. Most of the cantons, and especially the three Waldstätten, made strong remonstrances against the new doctrines, as much perhaps from political as from religious motives; for the evangelical preachers, as we have seen, condemned the practice of enlisting in foreign wars, which was very prevalent and popular in the mountain districts. Deputies from the cantons repaired to Zurich; and while they promised that they would reform clerical abuses, they exhorted the Zurichers to abstain from further innovations, under pain of being expelled from the confederacy. But the great council of Zurich replied, "that it was better to obey God than man," and the work of reformation proceeded. They abolished processions, fastings, and pilgrimages; they buried the relics; removed the images, reduced the number of festivals, and established a new liturgy. The convents were suppressed, their inmates released from their vows, and allowed to marry; the buildings being devoted to hospitals or schools, and their revenues applied to the support of the new establishment, and to that of the clergy. The chapter of Zurich willingly gave up its rights and property to the state, and its twenty-four canons became professors, preachers, or tutors, and had an allowance secured to them for life. Thus Zurich became the first reformed canton in Switzerland. The cities of St. Gall and of Mulhausen soon followed the example, and the canton of Schaffhausen, and somewhat later that of Basle, did the like.

Bern hesitated, its councils were divided, and anomalous enactments followed each other. Endeavouring to avoid an open schism with Rome, its magistrates curtailed the authority and revenues of the clergy,

and seemed disposed to allow both parties to follow their respective doctrines in peace, and thus save the country from civil war. They gave permission to the nuns of Kœnigsfelden to leave their convent, and enter the marriage state. Several of them married young men of the principal families. Nicholas Watteville, provost of the chapter of Bern, gave up his titles and revenues to the state, and married Clara May. Marriages of nuns and of churchmen took place likewise in several other cantons, and gave occasion to the sarcasms of the Catholic party. Female influence was certainly favourable to the evangelicals, and made proselytes to their cause, which is not to be wondered at, considering the gloomy and irksome restrictions under which the clergy had been placed by the church of Rome.

Conferences were opened again in the town of Baden, in the year 1526, between the theologians of the two parties. The Catholics had sent for a celebrated doctor of divinity from Ingolstadt, named Eck or Eckius, and he was supported by two capuchins well versed in the scholastic subtleties of those times. Zwingli was offered a safe conduct, to which, however, he did not trust. Eck had been heard to say, that "with heretics there were no better arguments than fire and sword;" besides, about that time an evangelical preacher had been burnt at Lindau, and another had been drowned at Freyburg in the Brisgau. Œcolampadius, however, Louis Œxlin, Berthold Haller, and other evangelicals, repaired to Baden. The disputations lasted eighteen days; during which vituperation and recriminations were resorted to oftener than argument. Those who are curious to see the style in which controversy was carried on in those days, might consult the exposition of the Baden conference, published afterwards by the Catholics, under the title, *Causa Helvetica Orthodoxæ fidei, disputatio Helvetiorum in Baden, contra Martinum Lutherum, Zwinglium, Œcolampadium, etc.*, Luzern, 1528. The Catholic cantons, Schwytz, Uri, Unterwalden, Zug, Luzern, and Freyburg, became, however, after this conference, strengthened in their hostility to the evangelical doctrines, and they issued decrees of proscription against its professors in all places subject to them. In the territories of the cantons themselves this course was comparatively easy, as the new doctrines had not made much progress there, but the case was different in the bailiwicks which were held by the Catholic cantons in common with those which, either like Zurich, had embraced the evangelical doctrines, or like Bern, wished to enforce toleration, and avoid measures of persecution. Accordingly, the bailiwicks of Aargau, Thurgau, Rheintal, Sargans, and Baden, became a wide field of discord and violence. It must be here observed, that numerous proselytes to evangelical reform displayed that fanatical spirit which often characterizes new converts; and that others, indeed, were far from inquiring into and still farther from understanding the new doctrines they had nominally adopted. These men, of whom many had rioted in licentiousness in the



Italian wars, and whose sole philosophy consisted in hating priests and churches, and sneering at religious observances, went about in troops, heedless of the mandates of their preachers and magistrates, insulting those who still remained attached to the religion of their fathers, profaning the churches, pulling down the images, and even the crucifix and the cross, the common symbol of redemption, trampling them under feet, and abusing, in short, their triumph like savages, in all the brutal pride of physical superiority. Several monasteries were attacked and plundered. A shoemaker of Zurich was, for an act of this sort, imprisoned and banished; but having wandered to Klingnau, in one of the bailiwicks of Aargau, and there again insulted the Catholic worship, he was taken to Luzern, and there executed.

The unfortunate people of the bailiwicks were distracted between the two parties, who preponderated according as the landvogt, or governor, was from a Catholic or a reformed canton. The county of Baden at first adopted the reformation, and the famous convent of Wettingen on the Limmat was converted into a school. But afterwards Baden returned to catholicism, to which it has remained strictly attached ever since, and Wettingen is at the present day inhabited by its wealthy monks. In Thurgau, on the contrary, the Catholic cantons began by forbidding the reading of the Bible, but the reformed religion afterwards gained the ascendancy, and has maintained it to this day, as well as in the Toggenburg, and the Rheinthal.

In the midst of the increasing discord, a new firebrand was thrown by another set of fanatics. Two German enthusiasts fancied that the epoch of the kingdom of Christ on earth was come, and that they were to be its apostles. There was to be no more sin, no magistrates or princes, no taxes, no tithes, no clergy of any sort. The poor peasants of Germany, oppressed by their rulers, distracted by wars, and bewildered with theological disputes which they did not understand, believed the two impostors, one of whom, by name Munzer, seems to have been the most popular. He preached community of goods, and the social and domestic equality of all men. His disciples brought before him what property they had, and it was equally divided. Munzer was proclaimed king, but his kingdom was short, and he ended it on the scaffold. These sectarians were commonly called *wiedertäufer*, i. e. anabaptists, because they rebaptized adults. They spread into Switzerland. Two men of Zurich became their chiefs. The dissolute, the turbulent, the bankrupts in character joined them. They renounced every form of worship, they assembled in great multitudes in the fields or forests, they threw off all allegiance to the laws or magistrates. Some of their bands had their wives in common. Thomas Schmuucker chopped off with his axe his brother's head on the Muhlwegg, thinking of imitating the example of Abraham, and offering a holocaust for the sins of the world. These were the excrescences, the spurious offshoots of the re-

formation. Whenever an impulse is given to large masses by either political or religious innovation, men of weak or disordered intellects, or of corrupt passions, will plunge headlong beyond all rational bounds, not knowing where to stop. Strong measures are then necessary to preserve peace, and secure the community from confusion. The cantons, both Catholic and reformed, tried persuasion and mild correction, but to no purpose; capital punishment was resorted to against the most outrageous of the leaders, but they went to the scaffold with the zeal of martyrs. At last Bern assembled 6,000 men to put down the bands which were infesting its territory, and were living in a state of open rebellion. Freyburg and Soleure joined their contingents. Zurich took similar measures, and by degrees the sect fell into disrepute, and at last became harmless and unnoticed. The Catholics, however, did not fail to throw the blame of these lamentable excesses on the new doctrines, as being, at least, the indirect cause of all the mischief.

The council of Bern, which had long proceeded on religious questions with a caution bordering on irresolution, came at length to a determination. In 1528 it announced the opening of a new and final conference, in order to throw all possible light on the pending controversy. The four bishops of Constance, Basel, Lausanne, and Sion, were invited to attend, as well as the principal theologians of the two parties, the clergy of the city and canton of Bern, and, generally, the learned of any country or faith, with a guarantee of perfect freedom and security. The four bishops, however, refused to attend, and six cantons, namely, the three Waldstätten, Luzern, Zug, and Freyburg, declined sending any deputies. The emperor Charles V. wrote to the confederation, advising them to postpone the meeting, and wait for the council of the whole Church, the assembling of which was then in contemplation. Bern, however, paid no deference to these remonstrances. A great number of clergymen, and men of learning, came from various parts of Switzerland, and the neighbouring countries. Zwingli himself came with an escort. The deputation of Zurich consisted of twenty-five distinguished citizens and councilmen. The cantons of Glarus, Appenzell, Basel, and Schaffhausen; the towns of St. Gall, Bienne, and Lausanne, and the league of the Grisons, sent each its theologians. It was altogether a solemn assembly, the most important that had yet met in Switzerland on this great controversy. Regulations were proclaimed by the council at Bern for the maintenance of order, and to prevent insult or injury on either side. It was at the same time proclaimed *that no argument would be admitted in the conference which was not grounded on a text of Scripture, to the exclusion of other authorities*. This may be considered as deciding the question against the Catholics, *in limine*, by refusing the authority of the popes and of the church. Many Catholics, however, attended; the conference lasted nineteen days, and here again the evangelical doctors displayed more learning than their adversaries. A



zealous Catholic priest of Soleure observed in a letter, which was afterwards published, that "the result would have been very different had the bishops, and the other dignified clergy, paid more attention to study, and devoted less time to their mistresses."

When the conference was closed, the council of Bern, considering the result as decidedly in favour of reformation, decreed the abolition of mass in the capital. They assembled the citizens of every condition, and requested their oath that they would support the government in what they were going to do for the good of the state. They then addressed to all the subjects of the canton a general edict of reformation, consisting of thirteen articles,\* explaining the new institutions of the reformed church with regard to dogma, worship, and discipline. The jurisdiction of the bishops in any part of the canton was declared to be at an end. Those parish priests who were refractory against the reformed doctrine were expelled, the images were suppressed. The income of the endowments enjoyed by Catholics was secured to the present occupiers for life, to be afterwards appropriated to beneficial purposes. Clergymen were free to marry, all sorts of meat could be used at all times, but "in a spirit of thankfulness, and without giving scandal to their weaker brethren;" drunkenness was forbidden, taverns were ordered to be shut up at nine o'clock. Those monks who wished to remain in their convents were allowed to do so, but they were forbidden to admit novices.

These regulations, conceived in a spirit of justice, charity, and liberality, while they reflect the greatest honour on the councils of Bern, afford a most favourable contrast to the harsh and rash fanaticism of the reformers in other countries; and Bern became, and has continued ever since, the steadiest pillar of reformation in Switzerland. At the same time they prohibited for the future receiving pensions from foreign states, or enlisting in foreign services, so far as this could be done without infringing the treaties already existing with France, and other powers; and, in fact, the following year Bern rejected the urgent request of the king of France to extend the capitulation to a further contingent of troops. This good resolve, however, was only kept while the religious fervour lasted which had dictated it.

In November, 1528, the five Catholic cantons† and the Valais formed a league for the defence of the Catholic faith, which was called the "league of the Valais." The simple and ignorant population of the latter country had, among their secluded mountains, but lately heard of the new doctrines by means of some preachers from Zurich, who made considerable impression upon them; being solicited by the Catholic cantons to join their league they had answered at first, "Let the priests and the new ministers dispute these matters among them-

\* See Appendix, No. iii.

† By this appellation the old central cantons are always meant in this period, namely, the Waldstätten, Luzern, and Zug.

selves;" but they were subsequently gained over by their neighbours. The canton of Freyburg joined the league afterwards, and, what was worse, the hereditary enemy of Switzerland, Ferdinand of Austria, king of Hungary and brother of Charles V., was admitted the following year into the alliance.

Zurich and Bern, alarmed at this, formed a particular alliance between themselves, which they called *Christian co-burghership*, to which the towns of Bienne, St. Gall, Mulhausen, and Constance acceded. The objects were, their mutual defence, and the protection of their subjects of the common bailiwicks who would embrace the reformed doctrines, leaving to the rest full liberty of conscience, and observing in every other matter which did not concern religion the obligations which bound them to the other cantons of the confederation. This treaty was concluded at Bern on the 3d of March, 1529.

The five remaining cantons were divided. At Schaffhausen, the Little Council, or executive, and many of the principal families, remained attached to catholicism; but the burghers, assembled in the general or sovereign council, in 1529, carried the resolutions for the reformation by majority. The magistrates had already enjoined the two convents that were in the town to dispose by sales of the lands they possessed in the district of Hegau. The clergy were allowed to marry; but at the same time they were strictly forbidden to keep concubines, which seems to have been an openly prevalent practice among the clergy in Switzerland till that time. The mass and images were suppressed. Several families emigrated from Schaffhausen on this occasion. The country population remained divided for some time longer; but the following year, 1530, the evangelical faith obtained the ascendancy, which it has maintained ever since. There was, however, no blood shed at Schaffhausen.

At Basle the people fought in the streets, the burghers against their Catholic magistrates; they destroyed the images, and at last drove the Catholic clergy out of the city. The service was ordered to be read in German. Most of the nobles, remaining attached to the old faith, were excluded for ever from the senate. The famous Erasmus, a man of quiet, studious habits, left Basle amidst all these tumults; but he returned soon after, and passed the remainder of his life in that city, although he never would openly abjure the doctrines of Rome. Nicholas Diesbach, coadjutor of the late bishop, and upon whom that rich see devolved, refused the preferment. Basle, as well as Schaffhausen, was ranked from that time among the reformed cantons.

At Glarus, the two parties being equally divided, the struggle was protracted, and the greatest confusion prevailed for a time in its sequestered valleys. The worthy landamman, Oebly, by his wisdom and firmness, saved his country from greater calamities. He succeeded in having a commission appointed, consisting of thirty members, half of each party, who

drew the articles of a treaty of pacification, including a general amnesty for the past. It was an edict of mutual toleration, which has ever since maintained peace in that little country, where Protestants and Catholics have continued to this day to live mixed together in good harmony, sharing without distinction in the government and administration of the canton, and in several parishes performing their respective services one after the other in the same church,\* a rare example of religious forbearance.

In the canton of Appenzell, the reformed doctrines gained ground, chiefly in the external Roden or districts, while the interior and more secluded parts remained attached to catholicism; and a separation followed, by which each of the two districts formed a separate *staté*, although still representing together but one canton of the confederation.

At Soleure, where Berthold Haller, the Bernese reformer, had introduced the new doctrines, the burghers of the city were mostly in favour of reformation, while the magistrates and the chapter of St. Urs were opposed to it. The Great Council, being divided between the two religions, wished to establish a full liberty of conscience for all. They proclaimed, "that faith is a free gift of God, which nobody can give, limit, or take away; that the empire over consciences belongs to God alone, and that consequently all the subjects of the state have a right to follow that doctrine which they think the best." Discord, however, continued to rage in the canton. Bern interposed several times to restore harmony. The reformed doctrines had spread largely in the rural districts; out of forty-four communes in which the canton is divided, thirty-four had embraced the reformation. At last, in 1533, the two parties broke out into open war; the evangelicals were obliged to leave the town. The Catholics, thus having gained the ascendancy in the councils, by degrees excluded the Protestants from the whole country, and Soleure has remained a Catholic canton ever since. But this was not effected without great struggles, of which the chronicler Stettler has given a full and interesting account. Soleure is the only canton in which the reformation, after having once obtained a superiority, has been afterwards obliterated.

The canton of Freyburg evinced from the beginning a dislike to the reformed doctrines. A few individuals are mentioned, among others a canon of the church of St. Nicholas, who favoured the new faith in 1522; but they found such a strenuous opposition that they were

\* This has also been the case of late years in some communes of the canton of Bern. At Lausanne, in the canton de Vaud, a small church has been allotted for the common use of three communions which dissent from the national Helvetic church, namely, Catholic, Lutheran, and Church of England, the latter congregation consisting of the English residents or travellers. On Sundays the Catholics perform their mass first, after which a screen or curtain is drawn before their altar and images, and then the other two congregations perform their respective services in succession. At Geneva the English congregation have the use of one of the churches belonging to the established communion, but the Catholics have a separate church for themselves.

obliged to desist. The canon was expatriated. Great corruption appears to have prevailed among the clergy of Freyburg at that time, if we are to judge from certain letters intercepted on the Bernese territory in 1530, as mentioned by Ruchat, vol. iii. p. 63, in which a country curate wrote to a friend at Freyburg to send him a courtesan whom he had engaged for his concubine, and also about the gallantries of a famous preacher, Father Jerome by name. Freyburg, however, did not take an active part in the religious wars that followed.

The reformation spread early among the Grisons, but did not produce at first any serious troubles. Both parties availed themselves of the opportunity to reduce the power of the Church; the feudal rights of the bishop of Coire and of the abbeys were suppressed, the *corvées* abolished. The rights of fishing and hunting were restored to the respective communes. The foundations for masses and festivals were applied to relieve the wants of the poor. In all this both Catholic and Protestant agreed, and without quarrelling about theological controversies, they turned them to the account of political liberty.

The town of Bienne was one of the first reformed, through the agency of its citizen Wytenbach. That of Mulhausen, an ally of the cantons, though without the borders of Switzerland, also embraced the reformation.

The most strenuous champions of catholicism were from the first the *five old cantons*, namely, the three Waldstätten, Luzern, and Zug. There, reformation made no inroads, or if it did at first at Luzern, it was soon effectually checked by severe measures; and strictly Catholic they have remained ever since. These five cantons had frequent disputes with Zurich and Bern about the common bailiwicks; a new subject of discord arose concerning the country of Hasli and Oberland. The inhabitants of those sequestered valleys, subject to Bern, but with the enjoyment of important privileges, had embraced the reformation at the same time as the capital. The convent of Interlaken being suppressed, the subjects of the convent in the valley of Grindelwald thought they would have no more tithes, offerings, and services to pay. But Bern claimed the payment of these dues, as having devolved on the state. The peasantry then thought they had gained nothing by the reformation, they listened to the suggestions of the expelled monks, they drove away the evangelical preachers, and rose in arms and advanced to Thun. Bern, wishing to avoid hostilities, appealed to the men of Thun and of the neighbouring district, and invited them to decide upon the question. The decision was, "That the temporal rights of the convent devolved on the temporal authorities of the state, and could not be considered as the property of the tenants." The insurgents returned home dissatisfied with the verdict.

Next, the mountaineers of Hasli, excited by their neighbours the abbot of Engelberg and the people of Unterwalden, abolished, in 1528, by a majority of votes, the reformed service, and sent for a supply of

priests from the Catholic cantons. The other valleys of the Oberland followed the example; 800 Unterwalders marched over Mount Bruig to their assistance, and advanced as far as Unterseen. Meantime, those inhabitants who remained attached to the reformation applied to Bern for protection. Bern behaved prudently, remonstrated, sent deputies; but to no effect. At last it put its troops in motion: the insurgents lost courage, the Unterwalders returned home, and the country was reconquered without fighting. The people of Hasli were deprived of their banner and of their landamman, and the leaders were severely punished. The rest were obliged to ask pardon in the midst of a circle formed by the Bernese soldiers.

The canton of Unterwalden made some sort of excuse for the assistance it had given to the insurgents. But other serious causes of irritation occurred in the common bailiwicks, especially in Thurgau, Gaster, and the Toggenburg. Zurich demanded the free exercise of religion for the people of those districts, among whom the doctrines of the reformation had widely spread. But the bailiffs sent there by the Catholic cantons, in their turn, persecuted the evangelical preachers and their proselytes. Jacob Keyser, a minister from the canton of Zurich, as he was one day going to preach as usual at the parish of Oberkirch, in the bailiwick of Gaster, which was subject to the two cantons of Schwytz and Glarus, was seized by four armed men and taken to Schwytz. After seven days' trial, he was sentenced to be burnt. In vain Glarus remonstrated, in vain Zurich protested, the unhappy Keyser was burnt publicly at Schwytz at the end of May, 1529. In the midst of the flames he continued to invoke the name of the Lord Jesus. Several traders from Zurich, who had gone to Schwytz on business, were beaten, pelted with stones, and obliged to escape. The Zurichers, on their side, seized the landamman Wehrli of Unterwalden, on his return from Thurgau, where he had, in his capacity of bailiff, persecuted the new doctrines; and although he wore his cloak with the colours of Unterwalden, in token of his office, he was publicly executed at Zurich.

All these and other grievances produced at last an open rupture. Zurich declared war by a manifesto against the five Catholic cantons, and claimed the assistance of Bern. The latter put in motion a body of 10,000 men. St. Gall, Mulhausen, Bienne sent also their contingents to the evangelical cause. These allied troops advanced by Cappel towards Schwytz. The five cantons marched to Baar to meet them; and thus 24,000 Swiss stood opposite to each other, ready to fight. John Cebly, the landamman of Glarus, who had already saved his own canton from civil war, hastened to the field between the combatants, and interfered with humane zeal in the name of his own and the other neutral cantons, namely Glarus, Appenzell, Soleure, Basel, and Schaffhausen. Bern appointed a conference to take place at Aarau; and a suspension of hostilities having been immediately proclaimed, the soldiers of both armies were seen mingling on friendly terms like brethren.

Seeing which, Jacob Sturm, deputy of Strasburg, who had also come on the good errand of peace, exclaimed, "You Swiss are a strange people, for although you seem divided you are still united, and do not forget your ancient alliance!" Peace was happily concluded on the 26th of June, 1529. This was the first *religious peace* between the Swiss, and it served as a precedent for subsequent treaties. The articles of the peace were seventeen in number. The principal ones were: that the Catholic cantons should renounce their league with Ferdinand of Austria, the treaty being destroyed in presence of the deputies of all the cantons, the seals being first torn off: that no endeavours should be made to induce the five Catholic cantons or their subjects to embrace the reformed religion. With regard to the common bailiwicks, every parish should decide by plurality of votes whether they would have mass or not, and abstain or not from meat on fast-days, and their decision should be the rule in force *as long as the inhabitants continued of the same mind*. That those parishes which had already abolished the mass and the images should be left undisturbed. That a full amnesty should be given on both sides for past transactions. The principle of the whole treaty was, perfect toleration. Schwytz was to pay a pension to the children of the murdered Keyser, otherwise called Schlosser. Lastly, none of the cantons were to hold together partial diets, except for private and particular business; and the old covenant of Stantz, agreed to in 1481,\* was sworn to again as the national compact of the whole Swiss federation.

This peace was favourable to the evangelicals, inasmuch as it protected the spreading of their doctrines through conviction, but not by violent means, which is the fundamental principle of the reformed faith. The Catholic cantons were reluctantly obliged to sign it, because they found themselves forsaken by Austria and by the pope. These two powers were then at variance, since Charles V.'s army had stormed and pillaged Rome in 1527. On the other side, the Turks, under Sultan Solymán, had overrun Hungary and besieged Vienna, giving full employment to Ferdinand, who, as well as his brother the emperor, deemed it necessary to conciliate the Protestant princes of Germany. Thus these Turkish and Italian wars proved indirectly the means of sheltering the growth of reformation both in Germany and Switzerland.

Meantime a dispute had arisen between the Swiss evangelicals and the great German reformer, Luther, on the subject of the eucharist. Luther understood the words pronounced by Jesus at the last supper, "This is my body," in their literal sense, thus acknowledging, like the Catholics, the real presence in the consecrated bread. Carolstadt, one of his disciples, refuted this opinion, upon which Luther, through his influence with his great protector, the elector of Saxony, obliged Carolstadt to leave the country, and take refuge, in 1524, in Switzer-

\* See page 104.

land, where he published several pamphlets on the disputed subject. Zwingli's opinion was likewise opposed to the real presence; he considered that the consecrated bread was a symbol of the body of Christ, a pledge left to the faithful of their communion with their Master, and of their participation in his work of redemption. Zwingli received Carolstadt kindly, which greatly incensed Luther, who, with an inconsistency lamentable, but common among party leaders, whether in religion or politics, while he was attacking the pretensions of Rome to infallibility, and complaining of its intolerance, acted in this affair as if he were himself infallible, and were entitled to persecute those who happened to differ from him on one particular point of belief.

Mallet, the continuator of Müller's history, observes that "men, as long as they are weak and oppressed, claim toleration and liberty for themselves; but as soon as they become strong, they act in their turn as unjustly and oppressively as their former persecutors." Luther repelled the good offices of Bucer and the other Strasburg doctors, who wished to avoid a schism in the rising church; he said "that either he or Zwingli and his followers *must be the servants of the devil*; that he would not give way to those who wanted to weaken his reputation." The landgrave of Hesse invited Luther and Zwingli to meet at Marburg, in 1529, in order to come to an understanding on the point in controversy. Zwingli came with Ecolampadius, and Luther with Melancthon, a man of a gentler mind and of an amiable temper, who lamented these dissensions, but was overborne by the impetuous influence of Luther. The two parties had several conferences, but each remained convinced of its own opinion. The landgrave prevailed on them to shake hands at parting; but Luther said publicly afterwards, "We have, by so doing, given the Zwinglians a token of Christian charity, but not a title to our brotherhood." The landgrave, however, was favourable to Zwingli's doctrines, and ever afterwards he and his successors bestowed their protection on the Evangelicals, as Zwingli's followers styled themselves.

In the year 1530, the reformed religion made great progress in western Switzerland. Farel, a native of Dauphiny, a man of zealous temper, who had been driven out of France by persecution, was the evangelical preacher in all that part of the country where French is spoken. He went first to several places in the Pays de Vaud; he preached also at Orbe, where he was severely assaulted by the women, who took part with a Franciscan friar, who was preaching at the same time there. Poor Farel was thrown down, beaten and scratched by the infuriated women, some of whom were persons of rank, and he would have been killed had not the Bernese bailiff saved him. He met with better success at Morat, where the reformation was established. Thence he proceeded to Neuchâtel. That country was under the government of Joan of Hochberg, the descendant of the counts of Neuchâtel; but the

burghers of the town were allied by co-burghership with Bern and other Swiss cantons. Already, in 1519, complaints had been made against the clergy of Neuchâtel. The canons enjoyed great revenues, but never preached or did any other service but chaunting the psalms, and they were called "the dumb canons." The cantons, who at that time, owing to some differences with the countess, had taken temporary possession of Neuchâtel, sent deputies to oblige the chapter to appoint a public preacher. But on the reinstatement of the countess matters resumed their former state. Farel was assaulted by the people at Valengin, owing to the intemperance of one of his disciples, who snatched the host out of the hands of the officiating priest, saying "that was only a poor piece of bread, and not the God they ought to adore." At Neuchâtel, on the contrary, the people burnt the images, upset the altars, and, in spite of the opposition of the authorities, demanded that the question of religion should be decided in a general assembly by the majority of votes. They sent also to Bern for support. The councils of Bern acted with their accustomed prudence and moderation. They first wrote to Farel to be more temperate in his speech and acts, and above all "to explain well to the people the nature of Christian liberty, which did not mean bodily licence." The reformers having claimed the protection of the *landsfrieden*, or "general peace," which had just been concluded among the Swiss, and according to which liberty of conscience was granted to those who adopted the reformation, Bern at last sent a deputation to Neuchâtel to protect the burghers, who having assembled on the 4th of November, decided by a majority of eighteen votes that mass should be no longer performed in the town, that images should be removed, and that other Catholic observances should be abolished. At the same time the property of the monasteries was to be respected, the census or poll tax and tithes were to be paid to the countess, and in all other respects the conditions of the *landsfrieden* were to be observed. After this they placed an inscription over the gate of the principal church, stating that on the 23d of October *idolatry was abolished there*.

Farel proceeded next to the valleys of the Jura, which were under the lordship of the bishop of Basle. The Val St. Imier embraced the reformation; but in the neighbouring valley or provostship of Moutiers Grandval great disturbances arose. This district was under the feudal jurisdiction of the chapter of Moutiers, of whom the people had been complaining for some time, on account of their extortions for burials, wax-tapers, and other pretences. Once a year, it seems, the provost assembled the people in the church, and solemnly challenged them to acknowledge whether they had been guilty of fornication or any other secret sin; and every one who did so acknowledge, or who was informed against, was tried by a court of justice, which assembled in the church, and the delinquent was fined three livres of Basle money. On arriving at Moutiers, Farel found, therefore, the minds of the people disposed to



listen to him. They at once broke the images and prevented the service of the mass. The bishop of Basle, hearing of this, wrote to the council at Bern, requesting them to use their influence to remove Farel. Bern wrote a monitory letter to Farel, recommending him to restrain his zeal within proper bounds, and above all to explain to the people the nature of evangelical liberty, "for there are many persons who imagine that if they join us they will be freed from the payment of tithes and other duties."

Meantime the affairs of the reformation in Germany had come to a crisis. In March, 1529, the diet assembled at Speyer passed, by a majority of votes, a proclamation restraining the liberty of conscience. The electors of Saxony and of Brandenburg, the duke of Luneburg, the landgrave of Hesse, and the prince of Anhalt, drew up a solemn protest against this resolution, appealing to the emperor, who was then in Spain, or to a free council. The imperial cities of Augsburg, Nuremberg, Ulm, Constance, Lindau, St. Gall, &c., signed the protest and the appeal. Hence the name of *Protestants*, which originally was only applied to the German reformers, but which afterwards became a general appellation for all the reformed churches who seceded from Rome.

Charles V. having settled his disputes with pope Clement VII. and with France, turned his attention to the religious affairs of Germany. At a conference with the pope at Bologna, in November, 1529, Clement prevailed on him to promise that if the Lutherans could not be brought back to the bosom of the church by mild means, which Charles naturally preferred, they should be forced by arms. In January, 1530, the emperor wrote to the states and princes of Germany to assemble in diet at Augsburg in the following April, and that the evangelical members should bring a written profession of their faith both in German and Latin, in order that differences might be settled, and a general reconciliation effected. The reformed theologians of the various states were thereupon each commissioned to write a summary of their doctrines; and the task of examining all these papers, and of extracting from them a *good and explicit confession of faith*, which should serve all the German reformers, was entrusted to Melancthon. This was an arduous charge, especially to a man of Melancthon's conciliatory temper, which greatly differed from that of Luther and of most other reformers. He acquitted himself, however, creditably of his task. When the confession was written, John elector of Saxony sent it to Luther at Coburg to revise it. The latter approved of it without any exceptions. On the 25th of June, 1530, the elector, accompanied by John Frederic his son, by George margrave of Brandenburg, by Ernest and his brother Francis, dukes of Brunswick and Luneburg, by Philip landgrave of Hesse, and Wolfgang prince of Anhalt, and by the deputies of two imperial towns, brought into the diet the confession of faith sanctioned by Luther, and presented it to the emperor. It was then read aloud by the chancellor

in the presence of all the states of the empire. From that time it has been known as the Confession of Augsburg. The article of it concerning the mass had been somewhat softened down in order to propitiate Charles V., who had declared, that he would allow the Lutherans to attack popery in every thing except the subject of the mass; "for the mass was in his heart, and he could not bear to part with it." The following year, however, 1531, the Confession of Augsburg was printed at Wittenberg, with some alterations on that as well as on the subject of the eucharist; and this corrected edition has been ever since considered as the profession of faith of the Lutheran churches.

Zwingli, on his side, published his confession of faith, which differed from that of Augsburg, especially on the subject of the real presence, which he totally denied. This confession, which was called *Evangelical*, was also taken to the emperor by the deputies of three cantons, Bern, Zurich, and Basle, who had meantime entered into an alliance with the landgrave of Hesse and the city of Strasburg to defend each other against any one who should molest them concerning their religion. It is a remarkable fact that Francis I. at that time asked to be received into the alliance, but his offer was declined.\*

On the 19th of November, 1530, Charles V. published an edict, enjoining all subjects of the empire to live according to the regulations of the Roman church, until a general council should be assembled, and threatening those who should not conform to this order. It was then that the German reformed states assembled at Smalkald, in December, and entered into a resolution to defend each other mutually, and to repel force by force. This was called the League of Smalkald. They also protested, with the elector of Saxony at their head, against the election of Ferdinand, Charles's brother, as king of the Romans, by which Charles, who was occupied with the affairs of Spain and Italy, meant to transfer to his brother the imperial authority. Ferdinand, however, was elected at Cologne in January, 1531.

The reformed cantons were invited to join the League of Smalkald at the instance of the landgrave of Hesse, who saw the urgency of the Protestants strengthening themselves by all means within their reach; but the elector of Saxony imposed as a condition that they should all sign the Confession of Augsburg. This the Swiss reformers refused to do, upon which the elector of Saxony said that although the alliance of the Swiss cantons would have been most useful to the Protestant league, yet "his conscience would not permit him to ally himself with people who differed so essentially from the rest upon the dogma of the eucharist." From this cause the Swiss evangelicals continued separate from the German Protestants, or Lutherans, ever after, and they remained in great measure, and perhaps luckily for them, strangers to the religious

\* Hottinger, p. 580.

wars of the empire. But there were in Western Germany many who followed the evangelical or Swiss doctrines, among whom were the elector palatine and the landgrave of Hesse. In a great synod held at Bern in 1532 the articles of the "Helvetic Confession of Faith" were finally established and proclaimed.\* They are essentially the same as those of the French reformed church, of the kirk of Scotland, and of the greater part of the churches of the Netherlands.

The five Catholic cantons, dissatisfied with the spreading of the reformed doctrines in consequence of the liberty of conscience granted by the religious peace of 1529, and emboldened by the appearance of affairs in Germany, sought an opportunity for a fresh quarrel. The reformed cantons, and Zurich especially, were not long before they furnished them with a plausible one. Zurich and the reformed part of Glarus had been promoting the reformation in the territories of the abbot of St. Gall with a violence of zeal that made them overlook the dictates of justice and the faith due to existing treaties. On the death of the abbot, in March, 1529, the four cantons, protectors of the abbey, Zurich and Glarus on one side, and Luzern and Schwytz on the other, disagreed about the election of his successor. The monks had elected Kilian; but Zurich refused to acknowledge him "unless he proved by the Scriptures that a monastic life and its practices were acceptable to God." Those subjects of the abbey who had embraced the reformation declared also against him. At Wyl they openly revolted against the abbot's authorities. Kilian escaped with his monks to Bregentz, in the Austrian territories, taking with him the gold and silver of the abbey and the title-deeds. He then went to Augsburg to ask the assistance of Charles V.; but on his return to Bregentz he was drowned, in August, 1530, in fording a river. The monks next elected Diethelm Blaater. But Zurich and Glarus took upon themselves to sell the abbey with its dependencies to the town of St. Gall, after removing the remaining valuables. Six of the monks embraced the reformed doctrines, and were allowed pensions. The Toggenburgers were declared free on paying to Zurich and Glarus 14,000 guilders. The abbey was thus completely secularized by force. The other cantons, and even Bern, disapproved of this arbitrary proceeding, which was an infraction not only of the rights of the abbey, but also of those of the other co-protectors. At a general diet held at Baden in January, 1531, the five Catholic cantons remonstrated strongly. Zurich, on its part, assumed a very high tone, and demanded that the Catholic cantons should allow the Scriptures to be freely read amongst them. At this diet the evangelical cantons objected to the test of plurality of votes in the diets being conclusive in matters of religion, for the Catholic cantons, being *many and small*, were always sure of a majority against the reformed ones, who were few though large. This

\* See Appendix, No. iv.

was a grave question, thus first broached, for it affected the very constitution of the confederation.

Zurich, in order to force the Catholic cantons to submit to its dictation, forbade all commerce with them, and even prevented the supply of necessary articles of provisions, such as salt, which the people of the Waldstätten used to receive through Zurich. Zwingli opposed, as became a minister of the gospel, this uncharitable interdict, and he even preached against its principle on Whitsunday, 1531. The inhabitants of the five cantons became furious. They considered themselves, and not without reason, unkindly treated. "The sword alone can unloose the knot," was the cry in the Waldstätten. In September manifestoes appeared on either side. Zurich, which had shown in this business, as it had done in others, an intemperate and overbearing spirit, asked Bern, and the other reformed cantons, for the assistance stipulated by the so-called *Christian League* of March, 1529. Bern, although wishing for peace, could not refuse the appeal; it raised a body of 8,000 men. The few Catholic cantons, strengthened by a body of Valaisans, assembled their troops at Zug; and the Duke of Savoy, and the Pope, sent them some Italian auxiliaries. The Zurichers divided their forces into small detachments, one of which, 600 strong, took a position at Cappel, on the road to Zug. But as the Catholics threatened that position, they collected in haste a body of 2,000 men to reinforce it, and Zwingli was ordered by the magistrates to accompany the soldiers, as it was known that his presence would tend greatly to encourage them, and as it was also customary for a minister to attend whenever the great banner of the city was unfurled. Zwingli obeyed, though with gloomy forebodings of the result of the strife, which he told his friends "would be the death of him, and of many other honest citizens." He was observed to pray fervently during the whole march. While this reinforcement was moving from Zurich, the Catholic troops, 8,000 strong, marched out of Zug on the morning of the 11th October, to attack the detachment at Cappel. The Zurichers who were posted there, being joined by people from the country, amounted to about 1,200 men. The attack began by a cannonade, which lasted from twelve to three in the afternoon, when the reinforcement of 2,000 men from Zurich appeared in sight, but in a state of great confusion, the troops having been hurried on their march by repeated messages, and having left a number of stragglers behind. The day was waning fast, and it seemed at one time as if the Catholics would defer the attack to the following morning. But a veteran warrior from Unterwaldeu, by name Tauch, advised an immediate assault on the Zurichers before the reinforcement had time to put themselves in order. This advice was followed, and he led the attack. The Zurichers, besides their great inferiority in numbers, were taken by surprise; their artillerymen had abandoned their duty, and their pieces were not served. Their leader Lavater, and Zwingli himself, encour-

raged the men, the latter crying out to them that "their cause was good, and that God could still save them." They fought bravely, but without order. The main body of the Catholics having rushed in upon them, broke through as far as the banner, which the Zurichers defended desperately for a time; at last the rout became general. Zwingli had fallen in the thickest of the fight. The Catholics pursued their enemies for some distance, after which they returned to the field of battle, when they knelt down, according to the old Swiss custom, and thanked Heaven, the Virgin, and all the celestial host, for having given them the victory. They then went about asking the wounded if they would confess or invoke the saints, and those who refused they despatched with their pikes. Some, however, there were among the Catholics who had more humanity than the rest, and who took the wounded to their tents and nursed them.

Next day the body of Zwingli was recognized among the slain. The Catholics instituted a court-martial over the senseless corpse, and condemned it to be broken in four by the common executioner, and then burnt to ashes, and the ashes mixed with rubbish and scattered to the winds. Such was the end of Ulrich Zwingli, the great reformer of Switzerland, a man single-hearted, pious, and disinterested; who, although warm and zealous in his cause, was as free as the times allowed from any violence or fanaticism, and still more from inhumanity towards his antagonists. He died in his forty-eighth year. His works, most of which he wrote in Germany, were published in four volumes, folio, at Zurich, in 1542; they consist of commentaries on the scriptures, theological tracts, letters, and exhortations, and the treatise "on true and false religion," which contains a brief exposition of his doctrines.

The defeat of Cappel threw Zurich into consternation. Nearly 100 burgesses, including 26 councillors, and 15 clergymen, and about 1,000 men, altogether had fallen; 4 standards and 18 cannon were lost. The disorder of the remaining troops, and their murmurs, gave fresh life to a party, which still existed at Zurich, opposed to the reformation. Nevertheless the national spirit of the people came to their aid; and the inhabitants of the country districts remained faithful in this emergency. Mount Albis was covered with fresh troops, and messengers were despatched to Bern to urge the advance of its contingent. The Bernese, 4,000 strong, were joined by volunteers from Basle, Schaffhausen, Soleure, Neuchâtel, and even from Lausanne and Geneva. This army, after passing Bremgarten, followed the course of the river Reuss, and plundered on their way the convent of Muri. They then entered the canton of Zug and took Baar three days after the battle of Cappel. The Catholics, to the number of 10,000, were posted on the Zugerberg, a hill which overlooks the town of Zug. But the Bernese, and their allies, instead of attacking their enemies with all their force, amused themselves in marauding over the country. While many of them were thus

dispersed in the villages, Hug, son of the Avoyer of Luzern, surprised them in the middle of the night of the 24th October, killed a great many, and drove many more down the precipices, where they perished. The main body of the Bernese remained inactive, fearing to strike their own friends. The loss on their part was about 1,000.

This second defeat was fatal to the cause of the Evangelicals. The people of Glarus and of Toggenburg detached themselves from the alliance, and considered about the means of making a separate peace. Ten thousand men from the Grisons, who were on their march to protect the canton of Zurich, halted, and then returned home. The people of Zurich called loudly for peace. Luckily, the Catholic cantons were no less desirous of it: they felt severely the scarcity of provisions, arising from the interruption of communications; and many moderate men on both sides deplored this war between fellow-countrymen. In these circumstances, the neutral cantons, as well as the envoys of France and Savoy, interfered to bring about a peace. The demands of the Catholics were at first moderate; but the greatest difficulty was that of the common bailiwicks, the reformed cantons wishing them to have full liberty of conscience, whilst the catholic ones earnestly maintained that "they could not in conscience allow their subjects a liberty which must prove detrimental to their salvation, and would be a temptation and a snare unto their souls." Meantime the magistrates of Zurich, being urged by the people and threatened by the Catholic troops, concluded in haste a separate peace, which was signed at Baar on the 20th November, 1531. The first article was as follows: "We, the people of Zurich, promise to leave unmolested, as we ought, our faithful and beloved confederates of the five cantons, their allies of the Valais, and all their adherents, now and for ever, in their *ancient, true, and undoubted Christian faith*, without importuning them by any disputations, and renouncing all evil intrigue or artifice. We, the five Catholic cantons, promise to leave on our part our confederates of Zurich and their adherents in the peaceful exercise of *their religion*." The Zurichers were to renounce the so-called Christian league, and to pay the expenses of the war.

The Bernese, being left alone, soon after subscribed to similar conditions. The common bailiwicks were thus left at the mercy of the Catholics, although the latter promised not to molest those of the inhabitants who had already embraced the reformed religion. But covert means were not wanting to suppress the reformed doctrines. The images were re-established every where, the evangelical ministers were expelled from many places. The Abbey of Wettingen was restored to its monks. The abbot of St. Gall re-entered his abbey in triumph, and the town of St. Gall lost its purchase, and was obliged to pay 10,000 florins. The Toggenburghers were again placed under the dominion of the abbot, but they preserved their liberty of conscience. Bern likewise maintained with firmness the same privilege for those inhabitants of Aargau who

had embraced the reformation. At Soleure fresh troubles broke out; the Catholics were on the point of firing on the assembled Evangelicals, when the old avoyer, Nicholas von Wenger, stepped before the loaded cannon, crying out, "If you want the blood of your countrymen, take mine first." This noble act, and the aspect of the venerable magistrate, checked the fury of the people, and no blood was spilt; but the reformed families were obliged to leave the canton. Soleure, as well as Freyburg, joined henceforth the five old cantons, so that the Catholic cantons became seven, while the reformed ones remained four, namely, Bern, Zurich, Schaffhausen, and Basle; and this line of demarcation has continued ever since. Glarus and Appenzell alone remained mixed. The treaty of Cappel, however, insured internal peace to the Swiss cantons for more than a century after.

We now turn again to the affairs of western or *romande* Switzerland, as it is called, to distinguish it from old or German Switzerland. It was only in the sixteenth century that Geneva and Vaud became connected with the Swiss confederation, of which they now constitute an essential part. Until that epoch, Geneva had been governed by its sovereign bishop, who was a prince of the German empire. The bishop was elected by the chapter, conjointly with the burghers; he had no armed force at his disposal, and his authority was very limited. The counts of the Genevois, *Comites Genevensium*, being feudal lords of the empire over the province, of which Geneva was the chief town, administered justice; but their authority in the city was limited by that of the bishop, who had his own courts of justice, and whose jurisdiction was independent of that of the counts. Placed between these two powers, the burghers contrived to extend their privileges; they secured for themselves the election of the four syndics and a treasurer, who appointed their assessors. The general assembly of the citizens was consulted about all new taxes, alliances, and other important affairs. The bishop, after his election, made oath before one of the syndics to preserve inviolate the liberties of the city, which liberties and franchises were embodied in a charter, and made public in 1387, by order of the bishop Fabri, and by him solemnly confirmed. Another powerful house, however, grew up in the neighbourhood of Geneva, and aspired to extend its power over the city. This was the house of Savoy, sprung from the counts of Maurienne. Amadeus V., count of Savoy, had already, in 1285, formed an alliance with the citizens of Geneva, promising to defend their liberties against their bishop, who happened to be brother to the count of Genevois. Amadeus was made *Vidonne*, *Vicedominus*, having jurisdiction in all civil causes, though subject to appeal. The bishop agreed to this appointment, on condition that the count should acknowledge himself as his vassal; but the vassal, being more powerful than the lord, often forgot his allegiance, and even expelled the bishop's officers from the town. In 1417, Amadeus VIII., count of

Savoy (afterwards pope Felix V.), purchased from the collateral heirs of the last count of Genevois, all their rights over the county, after which he obtained from the emperor Sigismund the formal investiture of the same, as well as the title of duke of Savoy. He also proposed to the bishop of Geneva to give up to him his temporal rights as prince of that city, and he obtained for the purpose a bull from pope Martin V., authorising the bishop to give up his sovereignty, if so inclined. The bishop, in compliance with his oath, asked the opinion of the assembly of the citizens. Their unanimous answer is contained in the following resolutions, which form in a manner a charter of the liberties of that small but interesting republic:—"Whereas for the last 400 years, during which the city of Geneva and its territory have been under the dominion of their church, they have experienced from the latter a mild and kind treatment, and have been governed in peace, it appears to them neither useful nor honourable to the church and the bishop, but dangerous and detrimental to the state, to admit of any transfer or alienation. *They are determined, as much as it lies in their power, never to submit to any foreign dominion*; and they intend to remain, they and their successors, under the government of the church and its prelate, requesting the latter to govern faithfully, and agreeably to his engagements and oaths, and to maintain his rights as he has hitherto done; they, the syndics and citizens of Geneva, on their side promising to give him every assistance in case of need, as well as to all his successors legitimately elected, *that is to say, by the people in general council assembled*." These resolutions were passed and solemnly confirmed by the bishop in 1420. That same year the emperor Sigismund, by a special diploma or bull, recognised Geneva "as an imperial city, a noble member of the empire, which he takes under the wings of the imperial eagle, subject only to himself and the empire directly, forbidding all princes, barons, and other officers, and particularly Amadeus, duke of Savoy, to annoy in any manner the bishop and church, and all who are liege to them." But Sigismund and his successors were too much engrossed by their own affairs to enforce their decrees about Geneva. In fact, the dukes of Savoy continued to exercise much influence in that city, by contriving to have its bishops elected among individuals of their own house: one of them, Philip of Savoy, was elected at seven years of age. Charles III., duke of Savoy, who at the beginning of the sixteenth century succeeded the good Philibert, showed himself especially disposed to encroach on the liberties of Geneva, and was favoured in his views by the bishop, Pierre de la Baume, a weak unprincipled man, who seemed willing to abdicate his temporal rights in favour of Charles. The citizens became alarmed, and turned their eyes towards the Swiss cantons for protection. One of the former bishops had, in 1478, concluded a treaty of alliance for himself and the citizens with Bern and Freyburg. Berthelier, a citizen of Geneva, who was exiled on account of some



affray with the bishop's authorities, and had retired to Freyburg, of which city he was also a burgher, proposed to the latter canton to renew their alliance with Geneva. The project was approved of by both parties, and the treaty of alliance and cöburghership with Freyburg was concluded in 1519. Berthelier returned to Geneva. The city was now divided into two parties; the more numerous, who were for independence and the alliance with Freyburg, styled themselves *Eidgenossen*, "bound by oath," in imitation of the Swiss confederates; and they gave their antagonists, who were devoted to the house of Savoy, the appellation of *Mamelouks*. The word *Eidgenossen*, disfigured by a French pronunciation, was transformed into that of *Huguenots*, and was afterwards applied generally to the French Evangelicals or Calvinists, for whom Geneva was the model or leading church. But, in the origin, Huguenots meant the republican party at Geneva, most of whom became also, as we shall see, converts to the reformed doctrines.

The Duke of Savoy, incensed at the news of the alliance, marched with 10,000 men against Geneva. The syndics protested; but being unable to resist, and counteracted by the duke's partisans within the town, the gates were opened, the troops entered, and lived at free quarters upon the inhabitants. Berthelier was executed, and other acts of vengeance were perpetrated. The canton of Freyburg, being apprised of this, marched troops into the duke's territories of the Pays de Vaud; whereupon the duke issued a general amnesty, and withdrew his army from the city, having first obliged the latter to rescind its alliance with Freyburg: but he continued, in concert with the bishop, to persecute the Huguenots, under various pretences. This state of things lasted several years, during which Geneva suffered severely. At last, in 1525, the duke, having taken part in the great contest between Francis I. and Charles V. for the succession to the duchy of Milan, found it necessary to pass into Piedmont, and he never after returned to Geneva. During his absence the Huguenots became bolder, and talked of renewing the alliance with Bern and Freyburg. The two cantons, being sounded, were found to be favourably disposed. The bishop, Pierre de la Baume, unable to resist the general impulse, and wavering between his devotion to the duke's interests and the wish to retain his own authority, declared that he would oppose no obstacle to the alliance. The citizens were unanimous, and a treaty was concluded in February, 1526, by which the two cantons engaged "to defend Geneva against all attacks on their persons, properties, liberties, privileges, jurisdictions, and ancient usages." Geneva took a similar engagement towards the cantons; with this difference, however, that its citizens were to pay for all assistance afforded to them, but were to furnish aid to Bern and Freyburg, when required, at their own expense. This was a general condition in all the treaties of alliance between the Swiss cantons and their weaker neighbours. But as Geneva was more likely to be in want of assistance

than Bern and Freyburg, the Genevans thought themselves fortunate in concluding the treaty. The duke exerted himself strenuously to dissolve this alliance; but the cantons stood firm, and at last signified to him that, if he did not desist from annoying Geneva, they would rescind their own treaties with Savoy. From that moment the Mamelouks lost all influence in the town, and they at last emigrated. Being summoned by the magistrates to return and give an account of their conduct, they were, on their non-compliance, declared outlaws, and their property was confiscated. They then joined the Savoyard nobles in the neighbourhood, and formed with them an offensive league against Geneva. They took the name of "Knights of the Spoon," on account of their having boasted that they would hew down the citizens, and cut them into small pieces, so as to be able to eat them with their spoons, and they wore, accordingly, as a badge of their confraternity, a spoon. They ravaged the estates of the citizens outside the town, burnt the suburbs, killed those of the inhabitants they fell in with, and blockaded the place in order to starve it. It was during this most calamitous period that the Genevans showed an energy and perseverance worthy of the highest praise; resisting all the intrigues of the duke and of the fickle-minded bishop, who still remained within the city, as well as the open attacks of their enemies from outside, and holding fast by the treaty with the cantons, as their only anchor of safety. At this time also the doctrines of the reformation began to spread rapidly amongst them. The flagrant immorality of the clergy contributed to this. The bishop himself, Pierre de la Baume, had the audacity, during the Lent of 1527, to carry off by force a young woman of a respectable family;\* and it was not until the people had assembled in great numbers round the episcopal palace, and compelled him to do so, that he restored the girl to her parents. Bonnivard, prior of St. Victor, was one of the first to preach in favour of a reformation in religion. But here again a new difficulty arose. Freyburg, one of the two allied cantons, wrote that if the Genevans abandoned their old faith it would renounce their alliance. The magistrates, therefore, were cautious not to encourage the spreading of the new doctrines.

Geneva meantime was reduced to the greatest extremities by the Savoyard nobles and the knights of the spoon; the citizens could not venture out of the walls, no provisions were allowed to come in, and they suffered the severest privations. At last, after repeated but useless negotiations, Bern and Freyburg resolved, in 1530, to take the field, and relieve their ally. A Bernese army of 7,000 men, under John d'Erlach, joined by 2,000 men from Freyburg, 500 of Soleure, and 3,000 volunteers from other parts, and eighteen pieces of cannon, entered the Pays de Vaud, which they crossed without opposition, although they com-

\* Ruchat, tom. ii. p. 277.

mitted serious depredations on the subjects of the duke, and arrived at Geneva on the 10th of October, having on their march taken and destroyed the castles of the knights of the spoon. The other cantons and the Valais now sent deputies to mediate a peace, and the treaty of St. Julien was the result. The duke engaged, among other things, that if he should be the first to attack the Genevans again he should forfeit the Pays de Vaud to Bern and Freyburg. The Swiss army left Geneva, after having been paid by the inhabitants, who with great difficulty raised the sum required. By another convention concluded at Payerne, in December of the same year (1530), before the deputies of all the cantons, and to which René de Chelant, marshal of Savoy and ambassador from the duke, affixed his signature and seal, the treaty of St. Julien was confirmed, and particularly the clause concerning the Pays de Vaud.\* The prior Bonnivard, whom the duke had kidnapped and confined in the dungeons of Chillon, was to be released. The Duke was to defray the expenses of the war, and pay an indemnity to Geneva; and, on the other hand, he was to appoint a *Vidomne* in the latter city, to administer justice. The duke appointed this officer, but neglected to perform the other conditions of the treaty.

The preaching of the reformation had formed two new parties in the city. The majority of the people and some of the magistrates were favourable to it; but the clergy, most of the councillors, and of the wealthy citizens, were for remaining Catholic. Farel, who had come to Geneva, was driven away, but some of his disciples continued to preach. In 1533 the animosity between the two parties had reached the greatest height. Conspiracies, seditions, murders, were the melancholy consequences. Relative was against relative, brother against brother, father against son. The magistrates endeavoured to enforce mutual toleration. On the one hand they forbade any one to preach without leave of the ecclesiastical authorities, and on the other they forbade preaching in favour of any dogma or rite that could not be proved by the Scripture. By this singular impartiality they forbade, in fact, preaching at all. The bishop had sent for a famous doctor of the Sorbonne called Furbitty, who began to thunder against all heretics, Arians, Sabellians, Waldenses, Germans, and Swiss; comparing them to the wretches who divided amongst them the garments of our Saviour. Bern, offended at the language of the doctor, dispatched a vehement letter to the council of Geneva, demanding the arrest of Furbitty for the insult offered to the evangelical cantons. Meantime Farel had returned, and was holding

\* Della Chiesa, and other historians favourable to the house of Savoy, deny this clause; but the treaty existed in the archives of Bern, whence Stettler copied it at full length. Wursisen of Basle relates the same. Ruchat gives good proofs of the fact; among others, that the good citizens of Soleure, foreseeing that the duke would not keep his promises, and wishing to have a share in the future division of the Pays de Vaud, pressed their neighbours of Bern that they might also be included in the treaty of Payerne, which demand the latter civilly evaded.

forth against Furbitty and the Catholics. Freyburg now demanded that Farel should be punished for preaching against its religion, and threatened to withdraw itself from the alliance. The grand vicar of the bishop on his side issued a mandate to burn all the bibles in French or German. Furbitty was arrested, and being ordered to retract, and to apologise to Bern, he refused, and was detained in prison for two years. Bern insisted on the public preaching of the Gospel, and the council being obliged to accede, Farel preached in the church of the Franciscan convent, and made numerous proselytes. Then it was that the deputies of Freyburg declared, in presence of the council of Geneva, on the 23d of April, 1534, that the alliance on their part was at an end, and they publicly tore the seals from off the treaty, which they had brought with them.

Bern remained now the only ally of Geneva, and its influence became paramount. The reformers, thus emboldened, kept no measures; they overturned the altars, and destroyed the images. Many Catholic families emigrated. The bishop, who had retired to Gex, excommunicated the town. The sovereign council of Geneva then declared that the bishop's authority was at an end, and his see vacant. The canons retired to Annecy, whither the see of Geneva was finally transferred. On the 10th of August, 1534, the Great Council forbade the mass *till further orders*. Another edict enjoined that God should be worshipped according to the Gospel, and it forbade every act of papal idolatry. The Catholic party in the town dwindled to nothing; but the nobles of Savoy and the bishop blockaded Geneva, and annoyed the citizens. Bern remonstrated repeatedly for more than a twelvemonth, but without effect. The duke, who was engaged in war with France, pleaded his inability to restrain his turbulent Savoyard nobles; but he had certainly given repeated proofs of his insincerity concerning the stipulations of the Treaty of St. Julien. He still held Bonnivard in prison at Chillon. On the other hand, Bern was probably not sorry to have an opportunity of seizing the Pays de Vaud. But the Bernese council did not go hastily or rashly to work. Well aware that the other cantons were jealous of them, they wished to be assured of the support of their own countrymen; and with that view, on the 25th of December, 1535, they sent circular letters to all the communes of the canton, representing the intolerable vexations inflicted by the duke and his subjects upon their allies and religious brethren of Geneva, whom they declared it to be their intention to relieve. Being assured, in answer, of the general sympathy of the people, and of their co-operation, the Great Council of Bern formally declared war against the duke of Savoy, in consequence of his breach of the Treaty of St. Julien, and of the state of intolerable oppression in which he held the city of Geneva, on account of its religion. The Bernese army, 7,000 strong, marched in January, 1536, by Morat; and as they proceeded, they received the submission of most of

the towns in the Pays de Vaud, except Yverdun. 4,000 of the duke's men who were at Morges crossed over to Savoy, after plundering the inhabitants, violating the females, and committing all sorts of atrocities in a country which they were going to leave for ever. In eleven days the Bernese entered Geneva, where they were hailed as deliverers. The duke was at the same time attacked by the French, who conquered all Savoy and the greater part of Piedmont; so that he was stripped at the same time of all his dominions. The Valaisans, on their side, by an agreement with Bern, took for themselves all that part of the Chablais which extends along the southern shore of the lake of Geneva, as far west as the river Drance.

The Bernese now unexpectedly demanded of the Genevans the surrender of all the rights and revenues which the duke and the bishop held over the city. The Genevans, surprised at this demand, calmly but firmly refused. They sent deputies to Bern to represent that they had borne and suffered much for the maintenance of their independence, and they besought their allies of Bern not to stain the glory of their generous assistance by enforcing oppressive pretensions; at the same time they offered to defray the expenses of the war. The negotiations lasted five months, and, luckily for the character of Bern, not less than for the independence of Geneva, the Bernese councils desisted from their unjust demand. In August, 1536, a treaty was concluded between the *free town* of Geneva and the canton of Bern. The cöburghership was renewed for twenty-five years, at the expiration of which it was converted into a perpetual alliance. Geneva retained all the lands of the Bishop, Chapter and Convents, and of the priory of St. Victor, the Bernese reserving to themselves an appellate jurisdiction over those lands in all cases in which formerly appeal lay to the Dukes of Savoy. The city and its territory were declared free from all jurisdictions of the neighbouring lordships. It is a curious fact, that as soon as the Bernese claims had been set aside, the King of France sent a message to Geneva, with a project for uniting that city to his kingdom, under apparently very favourable conditions; but his offer was civilly though firmly rejected. Thus Geneva became a really independent republic, and the evangelical religion was solemnly established there. The effects of these changes were soon perceived in the revival of activity, industry, and trade. A number of foreigners from France, Italy, and Savoy, came to reside within the walls of Geneva, bringing their property with them, for the sake of enjoying peace and liberty of conscience. The Genevans reaped the fruits of a seventeen years hard struggle during which they displayed a perseverance and a steadiness of purpose beyond all praise. It was only in 1537, the year after the liberation of Geneva by the Bernese, and after its independence and religious liberty were both secured, that the celebrated preacher, John Calvin, made his first appearance in that city. Of this remarkable man and of his connexion with Geneva we shall speak hereafter.

The Bernese had, meantime, reduced the whole Pays de Vaud into subjection. Those towns which submitted voluntarily had their privileges confirmed, and the inhabitants were allowed the free exercise of either religion; whilst those that were forced into submission, such as Yverdun, were obliged to give up their charters and franchises to the conquerors. Lausanne had not been visited by the Bernese, that city forming a separate sovereignty, and being still governed by its bishop, who was a prince of the empire. The citizens, however, had treaties of cöburghership with Bern and Freyburg. The bishop, at this time Montfaucon by name, had frequent altercations with the citizens, and in an evil hour for himself he declared for the Duke of Savoy against the Bernese. The latter marched upon the town and the bishop fled to Freyburg. The citizens opened the gates to Bern, which took possession of all the lands and jurisdictions of the bishop, extending over Lausanne, Avenches, Lucens, and Pully. Lausanne obtained the confirmation of its ancient privileges; it retained its local judicature and the possession of the property of the convents and churches. The municipal government was left as before to a burgomaster and three councils elected by the burgesses. Bern reserved to itself the appellate jurisdiction, the right of pardoning, the mint, the military command, the castle, and the cathedral.

The whole Pays de Vaud was divided into eight bailiwicks, a bailiff from Bern being appointed to each. Every bailiff had a court of twelve judges who received appeals from the local courts. A treasurer was appointed to receive the taxes and dues and to enforce the sovereign rights of Bern. The native militia was maintained. The bailiff of Lausanne, who replaced the bishop, swore before the Burgomaster to maintain the rights, franchises, and usages of the town, *both written and traditional*. The people in general were pleased with the change, except the nobility, who lost their influence by passing under the dominion of a republic. They were besides attached to Catholicism. Many of them even refused the offer of having themselves inscribed and admitted among the Patri-cians of Bern.

A religious disputation took place at Lausanne, in which Farel took the lead; it lasted seven days, but the Catholic clergy of Lausanne declined to take part in it. After its conclusion, the Bernese proclaimed all over the country the abolition of the mass, and of images, and reformed clergymen were appointed to the various parishes.

The castle of Chillon was the last place that surrendered. In the dungeons below the level of the lake was found Bonnivard, who had been confined there for six years.

Although Freyburg had borne no share in the expedition, yet Bern willingly allowed her to take possession of several districts of the conquered country, such as Romont, Rue, and Estavayer, which were contiguous to her own territory. Some years afterwards the two cantons purchased the rights of the counts of Gruyeres, the last remaining of the

old feudal nobility of Helvetia. The fine district of Gruyeres was annexed to Freyburg, and Bern had for its share the lordships of Rougemont and Oron. Bern had now doubled its territory, and it became by far the most extensive and powerful of the Swiss cantons.

The reformation spread to the Italian side of the Alps, in the bailiwicks or districts subject to the Swiss confederates. At Locarno, at the northernmost extremity of the Lago Maggiore, the reformed doctrines had found proselytes as early as 1526. Fontana, a Carmelite friar, entered into correspondence with Zwingli; and several of the first families of the town, the Orelli, the Muralti, and the Magorii embraced the evangelical faith; but the *bailiff* or lieutenant sent by the Catholic cantons, after the war of Cappel, persecuted the converts, and Beccaria their leader was put in prison; but the reformers released him by force. After many vexations and disturbances, and in spite of the protests of the reformed cantons, an order was issued by the Catholic cantons, who insisted that this was a question which their majority of votes ought to decide, sentencing all the evangelical converts at Locarno to be banished their country with their families. The sentence was carried into execution in March, 1555. One hundred and fifty of the reformed were assembled at the town-house of Locarno, where the decree was read to them. They listened to it in silence. Suddenly a fanatical priest entered the hall and cried out that the wives and children of the heretics should be detained in order to work their salvation. But the Swiss Catholic deputies were not prepared for this new rigour: "We will not alter the sentence we have just pronounced," was their reply; and the exiles, accompanied by their women and children, set off to cross the Alps. Most of them found an asylum at Zurich, where the families of Orell and Muralt, with a slight change in their names, became naturalized, and continue to this day. Several of these Italian exiles were silk-weavers and dyers, and they carried to Zurich those branches of industry from their Italian land.

We have mentioned above, John Calvin. His name was *Caulvin*, some write *Chauvin*, and he was born in the little town of Noyon, in Picardy, in 1509. He studied at Paris in the colleges of La Marche and of Montaigne, being intended for the clerical profession; this, however, he abandoned for the study of the law, for which he removed to Orleans, and afterwards to Bourges, where he learnt Greek and Hebrew. His first notions of the reformed doctrines, which were then beginning to spread in France, he derived from Pierre Robert d'Olivet. In 1532 he published at Paris a Latin commentary on the work of Seneca de *Clementia*. Here he became acquainted with Michael Cop, who was at that time rector of the university, and they both incurred the censures of the Sorbonne and of the parliament of Paris for their bold expressions in favour of the reformed doctrines. But Calvin found a protector in Margaret, Francis the First's sister, afterwards Queen of Navarre. As the persecutions against the heretics, as they were called,

increased, Calvin withdrew to Basle, where he wrote his great work on the "Institution of the Christian Religion," which is an exposition of his doctrines. He dedicated it to Francis I. in 1535. From Basle he went to Italy, where Renée, daughter of Louis XII., and wife of Hercules d'Este, duke of Ferrara, seemed to favour the evangelical doctrines. In 1536 he was obliged to make his escape from Italy, where his doctrines had attracted the attention of the clergy and the court of Rome, and he made his way into Switzerland by an unfrequented path over the Col de Ferret, between Mont Blanc and the St. Bernard, which leads from the Val d'Aosta into the Valais. Passing through Geneva he saw Farel, who earnestly invited him to fix his residence in that city and to assist him in the great work of reformation. Calvin, though at first unwilling, was persuaded, and he was appointed the same year professor of theology. He was then only twenty-seven years of age. Both he and Farel went further in their innovations than the Swiss reformers, they used leavened bread for the sacrament, they abolished all festivals except Sundays; they discarded all ceremonies, and they maintained the doctrine of predestination in all its sternness. All this made them many enemies, and drew upon them the disapprobation of the evangelical synod then sitting at Lausanne for the purpose of regulating the discipline of the reformed church. As Calvin and Farel, however, would not submit to the decision of the synod, they were ordered by the magistrates to leave Geneva in 1538, and Calvin went to Strasburg, where he established a French evangelical church. Soon after, however, a deputation came from Geneva to invite him to return, as his presence was found necessary to enforce order and religion. Farel had, meantime, settled at Neuchatel, where he remained till his death. Calvin, on his return to Geneva, in 1541, perceiving the necessity of having a moral censorship, in order to restrain the utter licentiousness which threatened the very existence of the community, proposed to establish a consistory, to act as "censor morum," composed of the pastors or parish incumbents, two members of the council of state or executive, two members of the council of 200, one of the syndics, and a secretary. This and other regulations proposed by Calvin concerning church government and discipline, were approved by the general council of all the citizens, and received the form of law in November 1541. The consistory assembled every Thursday, and Calvin, who always attended the sittings, may be said to have been its presiding spirit. It had very extensive and almost inquisitorial powers; it took cognizance of immoralities, of blasphemy and profanation, and other offences against religion. The punishments were fine, imprisonment, and in some cases death. This institution of the consistory has continued to exist to our own days, though considerably modified. Calvin also assumed the task of collecting and revising the old laws and edicts, so as to form a body of civil law for the republic, which was approved of in 1543 by the council general. At the same



time he was not unmindful of the cultivation of the mind, and he proposed and effected the establishment of a public college, called Academy, for teaching the arts and sciences, in which he himself lectured three times a week on theology, and which soon acquired and has ever since maintained a high character among the schools of learning in Europe, and has been a nursery of clergymen and divines to the reformed churches of France and other countries.

Calvin, notwithstanding his delicate frame and the numerous complaints to which he was subject, was truly indefatigable. He preached two or three times a week, gave lectures, attended the consistory, visited the sick, kept a voluminous correspondence both friendly and polemical, wrote commentaries on the scripture, and other tracts. The influence of Calvin's searching and austere mind remained impressed on the manners and habits of the Genevans for ages after his death, and the stamp is not yet altogether obliterated. He was intolerant according to the temper of his age, but he was conscientious in his intolerance. The execution of Michel Servetus is the act from which Calvin's memory has suffered most. Servetus was a Spanish physician, he was a man of a wild fantastic mind, who had adopted the tenets of the Samosatensians against Trinity; he denied the eternity and divinity of the Son, and he had written a book 'De Trinitatis erroribus.' He held forth his doctrines in various places; he disputed at Basle with Œcolampadius, and at Paris with Calvin, then a student; and again, by a singular fatality, he came to Geneva, where Calvin now reigned paramount. He was tried and sentenced to the stake, as an obdurate heretic, although it appears that Calvin voted for a milder mode of death. He was, however, burnt alive; another proof of the truth of what has been observed before, that the persecuted, when they get power, usually and by almost a natural consequence, become, in their turn, persecutors. Calvin's letter to Bucer, in which he relates to the latter the tragedy of the unfortunate Servetus, "bellowing at the stake like a bull," shows a heart utterly destitute of all feelings of mercy.

Calvin was certainly a man of powerful mind, his learning was very extensive; his Latin compositions are, in point of style, above those of his contemporaries; his arguments were powerful and well drawn. He had a deep, earnest will, and a most unbending determination. In his temper he was far from amiable: he had all the overbearing violence of Luther, without the cheering warmth and straightforward frankness of the great German reformer; he had neither the modest simplicity and self-control of Zwingli, nor the kind conciliatory feeling of Melancthon. Yet Geneva owes much to Calvin. He consolidated both its religious and municipal institutions; he founded its academy, which has ever since maintained its reputation; he made Geneva a model for the evangelical churches of other countries. Calvin died on the 27th May, 1564, at the age of 55, worn out by study and application, and the

diseases incidental to such a life. He was buried without pomp or epitaph, as he had himself directed, in the common burying ground of Pleinpalais, and his funeral was attended by almost the whole population. All the property he left was valued at 220 crowns. He left the care of his flock to his friend and disciple Theodore de Beza. Calvin's works were published in 9 vols. folio.

In October, 1564, Bern, by a peace concluded at Lausanne, restored to Emmanuel Philibert, Duke of Savoy, the Chablais, and the county of Gex, on condition that he should allow the free exercise of the reformed religion in those districts. The Duke, on his side, made a formal cession to Bern and Freyburg of his rights on the Pays de Vaud, and this cession was confirmed in 1617 by Duke Charles Emmanuel. This treaty was guaranteed in April, 1565, by Charles IX., King of France, a circumstance which served, in 1798, as a pretence to the French for interfering in the affairs of the Pays de Vaud. Emmanuel Philibert maintained the article of the treaty concerning religion until his death, but his successor, Charles Emmanuel, disregarding his father's promise, drove away, in 1598, the reformed clergy from the Chablais, and abolished the reformation by force. He also resumed a system of annoyance and intrigue against Geneva, and he encouraged several conspiracies, for the purpose of recovering possession of that city. At length, in 1602, he made a bold attempt to take the town by surprise. Under pretence of watching the movements of the French on his frontiers, he assembled a body of troops near its walls, and in the night between the 11th and 12th of December (old style), scaling ladders having been prepared for the purpose, a party of 200 of the duke's soldiers silently mounted the walls at one o'clock in the morning, while the rest waited outside for a signal to force the gate. They had been promised the plunder of the city, but Geneva was providentially spared the horrors that would have followed their success. A sentry hearing noise in the ditch gave the alarm, the citizens ran to arms and barricaded the streets, the guard at the gate let down the portcullis, and fired a cannon which enfiladed the ditch, and swept away the ladders. The troops outside, seeing the attack had failed, began a retreat, while those that were in the town, being assailed on every side by the citizens, were either killed or thrown into the ditches. Thirteen were made prisoners and hanged next day as midnight assassins. Theodore de Beza, who, owing to his great age, had discontinued preaching, mounted the pulpit next morning and began singing the 124th psalm, in gratitude to the Almighty who had snatched his countrymen from the jaws of destruction. The anniversary of the *escalade* has been ever since religiously kept at Geneva. The canton of Bern strongly resented this treacherous attack upon its ally, but the neutral cantons interfered, and a new treaty was at length concluded in July, 1603, by which the Duke of Savoy engaged not to raise any fortress or assemble any troops within sixteen miles of the city.

From that time the Republic of Geneva was left in the undisturbed enjoyment of its independence; and, besides Bern, Zurich contracted with it a perpetual alliance.

The authorities for this part are chiefly,—1st. Ruchat, *Histoire de la Réformation en Suisse depuis l'an 1516 jusqu'en l'an 1556*; 6 vols. 12mo., Genève, 1727. Ruchat was professor in the Academy of Lausanne in the early part of the eighteenth century, at a period already far removed from the strife and the heart-burnings of the epoch of the Reformation. He writes soberly and temperately, and quotes his authorities at the foot of the page. 2nd. J. James Hottinger, son of the celebrated orientalist of Zurich, wrote the History of the Helvetic Church; *Helvetische Kirchengeschichte*, 4 vols. 4to., Zurich, 1729. 3rd. Stettler's Chronicle, already mentioned at the end of Part I., and which comes down to the year 1627. 4th. Béranger, *Histoire de Genève*, 4 vols., 12mo., Geneva, 1773. Besides the general historians of the Reformation.

## FIFTH PERIOD.

FROM THE BEGINNING OF THE SEVENTEENTH CENTURY TILL THE  
EPOCH OF THE FRENCH REVOLUTION.

IN the early part of the seventeenth century, the country of the Grisons became involved in war with the courts of Spain and of Austria, in consequence of a revolt which broke out in the Valtellina, and was a source of great and lasting calamities to both countries.

The origin of the disturbances in the Valtellina was of a remote date. The people of that valley (which had become subject to the Grisons a century before) were Catholic, while the majority of their Grison masters had embraced the reformed communion. The government of the Grisons, stimulated by some of the more zealous evangelical clergymen, interfered in a certain measure with the consciences of their subjects. They prohibited legacies and endowments for pious purposes, they forbade all correspondence between the Catholic clergy of Valtellina and their foreign brethren or superiors, and the publication of bulls and licences emanating from Rome. On the other hand, the conduct of the agents of Rome excited the suspicions of the Grisons. The inquisition of Brescia and Bergamo had arrested several Protestants from Valtellina, one of whom, a preacher called Cellaria, was kidnapped within the limits of the Grison jurisdiction, and sent to Piacenza, and afterwards to Rome, where he suffered death as a heretic. Pope Pius V., a strenuous defender of the prerogatives of his church, endeavoured to recover certain tithes and other revenues in the Valtellina, which had been given up by the Grisons to lay impropriators. He commissioned for this purpose John Planta, baron of Rüzuns, and his son Conrad, who was a canon of the cathedral of Coire, to whom, in 1572, he issued a bull, conferring on them the management of all church lands and revenues in the Valtellina and in the adjoining county of Chiavenna, "which were then held by improper persons," meaning thereby several Protestants, and among others the Salis, a powerful Grison family, and ancient rivals of the Plantas. The Salis appealed to the diet of the Grisons, who decided that the grant by the pope to the Plantas was illegal; and it threatened any one with severe punishment who should attempt to enforce the bull. The baron Rüzuns, not having paid sufficient deference to this decision, was imprisoned, tortured, and put to

death. His son escaped, and soon after, through the mediation of the Swiss cantons, public tranquillity was restored, at least in appearance.

In the beginning of the following century the duke of Fuentes, the Spanish governor of Milan, raised, at the northern extremity of the lake of Como, where the Adda flows into it, a fort, which commanded the only carriage-road leading into the Valtellina. Spain had long been ambitious of possessing that fine valley, through which lay the only direct communication between Lombardy and the Tyrol, and other Austrian territories; for as the two branches of the house of Austria were allied by policy as well as by blood, it was their interest to have some road by which they could receive or send speedy assistance to each other. On the other hand, the republic of Venice, which was then the only independent power in Italy, and whose territories lay between Austria and Spanish Lombardy, was essentially interested in maintaining the Grisons in possession of Valtellina, which bordered on her two provinces of Bergamo and Brescia, and through which she could obtain recruits from Switzerland, her natural ally against any encroachments from Spain and Austria. In 1603, Venice made a treaty with the Grison leagues for the purpose of having free passage through the territory of the latter. This excited the jealousy of the duke of Fuentes, and the Grisons, in order to keep in good terms with the Spanish governor, and to continue to receive the usual supplies of corn and other provisions from Lombardy, granted likewise free passage to the Spanish soldiers through the Valtellina.

In 1615, the alliance between Venice and the Grisons expired. The Venetian senate sent an agent to renew it, who, in order to overcome the obstacles made by the Spanish and Austrian agents, found means to excite in the Protestants both religious and political suspicions of their Catholic subjects of Valtellina. A great synod of the Protestant ministers assembled in the church of Bergun, where the Venetian alliance was urged with expressions of violent rancour against Spain and its supposed partisans in the Valtellina and the Grisons. The Protestant communes rose in arms against those who were suspected of being favourable to Spain; some persons were killed, and many more were fined and banished, and among these were the two brothers Planta and the bishop of Coire himself. This happened in 1618. The violent leaders of the Protestants gave orders for the arrest of Nicholas Rusca, the archpriest of Sondrio, the head of the Catholic clergy of Valtellina, a man much respected for his pious and moral conduct, but who had opposed the efforts of the Protestants to make converts among his flock. Rusca was taken into the Grison country, and tried before a summary tribunal on the charges of treasonable correspondence with the Spaniards, and of resistance to the edicts of the government. The old man denied the first charge, of which he appears, in fact, to have been innocent; and with regard to the second, he said he had only opposed,

though not by seditious means, those innovations which were detrimental to the Catholic faith and contrary to the religious privileges of Valtellina. He was put to the torture, and he died in consequence in his prison after a few days. His body was burned by the public executioner!

These cruelties exasperated the people of Valtellina, as well as the partisans of the Plantas among the Grisons. The emigrants of that party assembled at Milan and in the Tyrol, they corresponded with the discontented in Valtellina, and aimed at overturning the government of their own country. A wealthy native of Valtellina, named Robustelli, put himself at the head of the conspiracy, which was to shake off the sovereignty of the Grisons. The duke of Feria, governor of Milan, secretly encouraged the conspirators, and gave them money. At break of day on the 19th of July, 1620, the day fixed for the breaking out of the revolt, Robustelli and his companions, with a number of armed men, entered Tirano, one of the largest villages of Valtellina, and having rung the bells as a signal, they began to massacre the Protestants, whether Grisons or their own countrymen. At the first alarm, both the Catholic and the Protestant inhabitants who were unacquainted with the conspiracy arose from their beds, thinking that some party of outlaws were come to commit depredations, as had before happened. The Grison governor, John Cappoli, suspecting the same thing, ordered the town-house bell to be rung to summon the people to arms. But as these came out of their houses, the conspirators, who were in waiting, fell upon the Protestants; while the Catholics, being apprised of the true cause of the tumult, and excited by the leaders of the insurrection, joined in the massacre, and having broken open the place where the arms were deposited, proceeded to the well-known dwellings of the Protestants. These strove to defend themselves, but in vain; they were hunted out and barbarously killed, five alone escaping. Several of them who had run out of the town were attacked by the peasants of the neighbourhood, who showed them no mercy. Some women were also murdered. The governor was shot, and the Protestant preacher's head was cut off and stuck on his own pulpit. The houses were plundered, although the conspirators had solemnly agreed to respect the property of the victims, for the sake of their wives and children: but those who did not refrain from murder were not likely to be restrained from robbery.

While this tragedy was taking place at Tirano, Robustelli and some of his followers had taken post at the pass leading to Puschiamo, in the Grison country, to intercept any communication with that quarter.

At Sondrio, the chief town of Valtellina, the insurrection broke out in the same manner. The governor, however, had time to make a show of defence, which enabled him to obtain a safeguard for himself and his family; but all the rest of the Protestants were butchered with-

out mercy, except two natives of the place, a man and a woman, who had become Protestants, and who were sent to the inquisition at Milan. The man abjured again, and so saved his life; the woman, more firm of purpose, refused to retract, and was burnt alive.

At Toglio, a small village, which has given its name to the whole Valtellina, the assassins came just as the Protestants were attending service in their church. The church was surrounded by armed men; the people within endeavoured to defend the entrance, but the assailants climbed to the windows, and fired on the congregation. Men, women, and children here fell victims promiscuously. The door was then forced open, and the women being pushed out, the men were all killed, with their pastor. Some had taken shelter in the belfry, but in vain; their tormentors lighted a fire underneath, and burnt them.

At Morbegno, in the lower Valtellina, the Protestants were few; and while their enemies tarried in making their appearance on account of the distance, they had time to escape over the mountains into the Grison country. A few, however, were seized and killed; one of them, Andrea Paravicini, was burnt alive. In the other villages of the Valtellina where Protestants were to be found, they met with a similar fate. The whole valley thus fell into the power of the insurgents.

Several monks, such as a Capuchin, Ignazio da Bergamo, and a Dominican, Alberto Pandolfi da Soncino, were among the instigators and leaders of the massacre. And to crown the impious profanation of the name of religion, pope Paul V. (Borghese) granted a bill of indemnity to these and other priests who had taken a share in the work of blood, and who had thereby incurred the censures of the church, which in its legitimate canons, misinterpreted as they have been both by fanatics and unbelievers, has never countenanced similar atrocities.

The neighbouring county of Chiavenna, which adjoins the western extremity of Valtellina, remained faithful to its allegiance to the Grisons. The county of Bormio (Germanice Worms), which borders on the upper or eastern end of Valtellina, and lies at the very foot of the Tyrolean Alps, although it did not take a part in the massacre, nevertheless entered into a defensive alliance with its neighbours of Valtellina, to prevent any troops from coming down from the Grisons to reconquer the country.

The victims of this catastrophe have been stated to have amounted to 350; probably they exceeded that number. And as many of the Protestants and their friends and connections, of whom several who were not themselves Protestants were killed, were landed proprietors in the country, the fanatical peasantry felt an additional inducement to get rid of them; as by so doing they freed themselves from their landlords or creditors, and were enabled to appropriate their estates to themselves. The fugitives were hunted after, shot at, stoned to death, or thrown into the river Adda.

At the first news of this sanguinary revolt the Grisons loudly expressed their indignation. Two of the leagues, Caddea and the Ten Jurisdictions, sent 2,000 men, under one of the Salis, to march against Valtellina; but the Grey League, in which the Catholics were most numerous, held back from the rest. The troops advanced by Chiavenna, while another party came over the mountains direct to Sondrio, which they took, and were there received with joy by many of the women, who were in their hearts Protestant, but had pretended to be Catholic, in order to save their lives. On the side of Bormio the Grisons did not succeed, as a party of emigrants, with Rudolph Planta at their head, being joined by a body of Austrians under the command of the archduke's commissary, Baldiron, invaded the valley of Munster, and threatening the lower Engadina, obliged the Grisons to turn to the defence of their own country. Planta, however, like most emigrants who have borne arms against their country, found that he was only labouring for the profit of the stranger. Baldiron took possession of the valley of Munster in the name of the archduke, as it afforded a convenient pass from the Tyrol into the valley of the Adda. The insurgents of Valtellina sent messengers to the Catholic cantons of Switzerland, to the duke of Savoy, to the Spanish governor of Milan, and even to the Venetian senate, to interest those powers in their behalf; representing, of course, their revolt as justified by previous oppression, and passing over the atrocities which had attended it as smoothly as they could. The duke of Fera, governor of Milan, was the only one who sent them assistance. A body of 500 Spaniards entered the county of Chiavenna, in consequence of which the Grisons thought prudent to evacuate Valtellina, and repass the mountains to their own country. An order came from Madrid by which Valtellina was placed under the royal protection of Spain, and Spanish garrisons were sent to Morbegno and Tirano.

The cantons of Bern and Zurich being applied to by the Grisons for assistance against their revolted subjects sent a considerable body of men, who entered Bormio and marched upon Tirano, committing many acts of cruel retaliation on their way. Two thousand Spanish veterans defended Tirano. The troops of each canton fought separately, those of Bern hurried forward to the attack, without waiting for their allies of Zurich, and were defeated with the loss of their commander. The Zurichers came up next, but the Spaniards waited for them within the walls of the town, and after seven hours of fruitless attack the Swiss were obliged to retire with great loss; and, being harassed by the peasants, few of them succeeded in recrossing the Alps.

The people, of Valtellina, elated with their success, set about establishing a regency, of which Robustelli was appointed president.

The ministers of France did not behold with indifference the Spanish power stretching itself over Valtellina, and threatening, in conjunction with Austria, the independence of the Grisons. The Venetian senate



was likewise deeply interested in preventing the increase of Spanish dominion in Italy. The duke of Savoy saw things in the same light. And, as it happened, pope Paul V., the great supporter of the Valtellina insurgents, having died in January, 1621, his successor, Gregory XV., a man of moderate sentiments, felt as an Italian prince a jealous suspicion of the aggrandizement of Spain, and also openly disapproved of the barbarous transactions of the Valtellina insurrection. All these sovereigns remonstrated strongly with the king of Spain against the occupation of Valtellina; and insisted on some conciliatory arrangement by which the rights of the Grisons over the valley should be acknowledged with proper security for the religion and privileges of their subjects.

The duke of Feria, on the other hand, not wishing to lose the fruit of all his intrigues, endeavoured to bring about an arrangement with the Grisons under his own superintendence, before the ministers at Madrid should come to an understanding. He succeeded in persuading the Grey League, where the Catholics were most numerous, to send agents to Milan, and the Plantas favoured his scheme. The negotiations turned in favour of Spain and of the Catholic party in the Grisons. Valtellina was to remain for eight years garrisoned by Spaniards; the executive authority was to be restored to the Grisons, but no Protestant was to settle in the valley; full amnesty was given for the past, and the Catholic religion was prescribed as the only religion in Valtellina.

The other two leagues, however, would not listen to these conditions, and they came to an open rupture with the Grey League. One of the chief Protestant leaders, George Jenatsch, once a clergyman and now a soldier, assembled his countrymen of the Ten Jurisdictions, entered the valleys of the Grey League, drove away from it the auxiliaries sent by the Catholic cantons, and obliged its representatives to renounce their treaty with Milan. The abbot of Disentis, who was implicated in the transactions of Valtellina, fled into the canton of Uri. Jenatsch having surprised, in the castle of Rietberg, Pompey Planta, one of the two emigrant brothers attached to the Spanish party, and whom he looked upon as a traitor to his country, clove his head with a battle-axe.

Meantime the conferences at Madrid were proceeding, though slowly. Philip III. died, but by his will recommended his son to settle the Italian question according to the advice of the pope, and for the peace of Europe. In April, 1621, a treaty was concluded at Madrid, by which the Valtellina was to be evacuated by the Spaniards, and the Grisons were to be reinstated in their possession of it; a full amnesty for the past and security for the future were to be given to the natives, under the guarantee of the French king, the Swiss cantons, and the pope. But these conditions pleased neither the Grisons nor the people of Valtellina. The Grisons again took up arms and entered the county of Bormio, but the Spaniards advancing upon them on one side and the Austrians from the Tyrol on the other, they withdrew again in confusion.

Upon this the duke of Feria took possession of Chiavenna, and the Austrian general, Baldiron, entered the league of the Ten Jurisdictions, and on the plea of former claims took possession of it, as well as of Lower Engadina, or valley of the Inn, in the name of Austria. The inhabitants were obliged, under pain of death, to give up their arms, and to swear fidelity to Austria. The other two leagues were also overrun by the Austrians, who placed a garrison at Coire, the bishop of which town, availing himself of the terror of foreign arms, put forth his former pretensions to sovereignty, and assumed the exercise of almost despotic authority. A forced treaty was entered into in January, 1622, by the two leagues, the other being considered as extinct, in which they gave up for ever their sovereignty over the Valtellina and Bormio, they acknowledged the incorporation of the Ten Jurisdictions, the Lower Engadina and the Munsterthal, with the Austrian dominions; and they submitted to the passage of Spanish troops through their own territories. The independence of the Grisons was in fact annihilated. Such were the consequences of their harsh and imprudent treatment of the people of Valtellina, and of their obstinate rejection of the conditions of Madrid.

The overbearing conduct of the Austrians was, however, the cause of the restoration of Grison independence. In that part of the country which they now considered as their own, it having been incorporated with the Austrian dominions, Baldiron's soldiers oppressed the inhabitants with the greatest insolence, interfered with their property, obliged them to carry heavy loads, and treated them more like beasts of burthen than like men. A swarm of Capuchins spread over the valleys to convert the peasants to Catholicism. All the reformed clergy were driven away, seventy-five evangelical churches were left without pastors, and the people were compelled by blows to attend the Catholic service. This last act of tyranny roused them to resistance. The robust and spirited inhabitants of the fine valley called Prätigau, on the banks of the Landquart, disarmed as they were, hied to the mountain forests, made themselves spears and clubs, and on Palm Sunday, 1622, they issued out with loud shouts, surprised the Austrian detachments, cut them to pieces or made them prisoners, and drove away the main body as far as Meyenfeld. They then invested Coire, where Baldiron himself was. The rest of the country followed their example, the mountaineers from Appenzell joined them, and Baldiron was obliged to demand a truce to withdraw from the country. Rudolph de Salis was named general of the patriots. But Baldiron came again into the Prätigau the next summer with 10,000 men, eager for vengeance. The people fought with the fury of despair in the valleys, in the villages, in the mountains. It is recorded that thirty brave men, in the last fight in the plain of Acquasana, 5th of September, threw themselves, armed with clubs only, into the enemy's ranks, and fell one after the other upon heaps of soldiers whom they had slain. The succour from Coire came too late. The

whole country of Prätigau was already in flames, and the population almost entirely destroyed.

The Grison leagues sent envoys to the archduke of Austria at Lindau, but they had to submit to hard conditions. The league of the Ten Jurisdictions was declared to belong to Austria, and free passage was to be allowed through the whole Grison country to the Austrians and Spaniards.

The king of France, Louis XIII., who was jealous of the Austrian power, had already interfered by negotiations, in concert with the duke of Savoy and the senate of Venice, to prevent the permanent occupation by Spain and Austria of the important passes of the Grisons and the Valtellina. At last, in 1624, he sent a force under the count de Cœuvres into the Grison country. Bern and Zurich not only gave a free passage but added their contingents. All the exiled Grisons, led by Rudolph de Salis and by Colonel Jenatsch, led the van. As they reached the frontier of their country a general rising took place, and the Austrian garrisons and governors were driven away. The following year Chiavenna and the Valtellina were reconquered from the Spaniards. The treaty concluded at Monçon, in Aragon, between France and Spain, in 1626, settled for a time the affairs of the Grisons, though not to the full satisfaction of the latter, who still clung pertinaciously to their rights of sovereignty over the Italian valleys. The Valtellina, Chiavenna, and Bormio were to pay an annual tribute to the leagues, but they had the right of governing themselves. Some troops in the service of the pope garrisoned the towns of Valtellina *pro tempore*; and Robustelli remained at the head of the regency of the valley.

In 1628, the disputes about the duchy of Mantua brought the French again into Italy. The Austrian armies sent to oppose them entered suddenly the country of the Grisons, by the pass of Luciensteig, took Coire, and again occupied the Ten Jurisdictions and Engadina. Although this time there was no slaughter of the inhabitants, yet vexations of every sort were heaped on them. Famine followed, and a pestilence brought by the German troops, probably from the frontiers of Turkey, devastated the unfortunate Rhætian valleys; 12,000 people died of the latter scourge. Luckily for the Grisons the successes of Gustavus Adolphus in Germany induced the emperor to conclude with France the peace of Cherasco, in 1630, by which he engaged to withdraw his troops from the Grisons. The duke of Rohan then came to Coire as ambassador from France and brought with him some troops, who assisted the Grisons in fortifying their passes towards the Tyrol. In 1635, war having broken out again between France and the emperor, Rohan, at the head of a Grison force, crossed the Alps, and after some sharp fighting, reconquered Valtellina, Chiavenna, and Bormio from the Austrians and Spaniards united. But the court of France now imperiously required that the Italian valleys should be governed according to the treaty of Monçon.

The French envoy Lanier, an overbearing man, assumed the tone of a master at Coire, and talked of the Grisons as rebels. The Grison chiefs said among themselves, "Austria *takes* and France *lies*"; let us trust no foreign power, but seek help only from our own arms."

In February, 1636, several of the principal men of the leagues assembled at Coire and swore to risk their all to deliver their country from all foreign domination. Colonel Jenatsch was of the number, and he with great secrecy negotiated a treaty at Inspruck with the archduke of Austria, nephew to the emperor Ferdinand II., by which the former relations of friendship between the two countries were restored, and Austria promised to co-operate in driving the French out of the Grisons. Jenatsch armed his countrymen secretly; but the duke of Rohan, nevertheless, suspecting something, reinforced his posts on the banks of the Rhine and of the Landquart. On a sudden Jenatsch, with six battalions of his countrymen, appeared before the French entrenchments, while at the same time a body of Austrians showed itself at Lindau, threatening the rear of the French, who, fearful of being surrounded, agreed to withdraw, which they did to the number of about 5,000; and this time the deliverance was complete, for no foreigners remained in the Grison country. The Grisons were left in possession of the Italian valleys, to which they granted a full amnesty, besides acknowledging the Catholic religion as that of the country. Spain made a perpetual peace with the Grisons at Milan in September, 1639, on the above conditions, and Austria, too, renewed its former treaties with the leagues, at Feldkirch, in August, 1641, preserving its seigniorial rights and fees in Engadina and the Ten Jurisdictions: these, however, were bought off ten years after by the payment of 75,000 florins. Thus Austria ceased to have any jurisdiction in the Grison territory excepting the baronies of Rhäzuns and Tarasp, which Bonaparte, nearly two centuries afterwards, pretended to give as a compensation to the Grisons for the loss of Valtellina, which he took away from them and joined to the Italian republic.

The brave Colonel Jenatsch, two years after he had freed his country, was murdered in January, 1639, while at a party of officers at Coire. Conspirators entered the hall in disguise, and pressing round him, as if in sport, murdered him in the middle of the festival. Rudolph Planta, being accused by public rumour of having thus avenged the murder of his brother Pompey, withdrew to his estates in Engadina, where he died some time after.

Meantime the thirty years' war was proceeding in Germany. With the result of that war the Swiss were deeply concerned, for had the house of Austria, assisted by its relatives of Spain, succeeded in laying the German confederation at its feet, the Swiss cantons would not have been left long in the enjoyment of their civil and religious liberties. The conduct of the Austrians towards the Grisons, the allies of the Helvetic league, sufficiently showed what the cantons themselves had to expect. The termination, how-

ever, of that great contest by the peace of Westphalia, eventually put the seal to the independence of Switzerland. It may be, therefore, worth while to give a brief sketch of this great war, one of the most important that Europe has seen in modern times.

The thirty years' war is the great historical event of the seventeenth century, as the reformation, of which it was a consequence, although somewhat remote, was the great event of the sixteenth. It had a twofold object—religious and political, the efforts of the emperor Ferdinand II. being directed to abolish the Protestant religion in Germany, and at the same time to establish his absolute authority, and that of the house of Austria, over the ruins of the German constitution. The first symptoms of this great struggle showed themselves in Bohemia. The great part of the population of that kingdom, once the stronghold of the disciples of John Huss, had embraced the similar doctrines of the reformation, as followers of either Luther or Calvin, and were included in the treaties and edicts of pacification and toleration issued at various times under the reigns of Ferdinand I. and Maximilian II. This last wise and good emperor became endeared to the Bohemians, who spoke of him as their common father; he protected their privileges, their laws, their rights, their liberties, with the most equitable impartiality. But, unfortunately, his son and successor Rudolph II. was bigoted and intolerant; he gradually prohibited in his own hereditary states of Austria the public exercise of the reformed religion, and in matters concerning the empire he directed his Aulic council, consisting wholly of Catholics, to take cognizance of affairs, which in their proper course belonged to the imperial chamber, a body formed of Catholic and Protestant members in equal numbers. The consequence was that, in suits between Catholics and Protestants, favour was generally shown to the former. The Protestant states of Germany took the alarm; they formed, or rather enlarged and strengthened, their confederation, which was called the Evangelical Union, and even invited Henry IV. of France to place himself at their head, and had not that prince been murdered by Ravaillac, *A.D.* 1610, the civil and religious war in Germany would have begun eighteen years sooner than it did.

Under Matthias, the brother and successor of Rudolph II., the dissensions and rancour between the two religious parties in Germany continued with the same violence. In Bohemia the archbishop of Prague demolished several chapels of the Protestants or Dissidents, as they were called. The latter, led by count Thorn, took up arms, and one of their first acts was to hurl the governor of Prague and his secretary from the windows of the town-house: this occurred in the year 1618. The Dissidents of Upper Austria and Silesia joined them, the Evangelical Union sent troops to their assistance, and a desultory war began. In the midst of these quarrels Matthias died in the year 1619, and was succeeded by his cousin Ferdinand II. an intolerant and arbitrary prince. The Bohemian states

refused to acknowledge Ferdinand, and they elected as their king Frederic elector palatine, who belonged to the Calvinistic communion, and who had married a daughter of James I. of England. He formed an alliance with Bethlehem Gabor, prince of Transylvania, who made an irruption into Hungary, where he was joined by the Protestants of that kingdom, and advanced within sight of Vienna. But the Catholic league, formed among the Catholic states of Germany to counteract the Evangelical Union of the Protestants, and headed by Maximilian duke of Bavaria, took the field against Frederic, being joined by a body of Spanish auxiliaries. The Catholics had for their general, John Tzerclas, a Belgian, known as count Tilly, one of the greatest captains of that age, but cruel and unprincipled. Meantime the emperor Ferdinand, working upon the animosity which existed between the Lutherans and the Calvinists, secured the neutrality of the elector of Saxony, who was at the head of the former, and of other Lutheran states, to whom he represented his contest with Frederic as a civil and not a religious quarrel. He also entered into negotiations with Bethlehem Gabor, and concluded a truce with him. Frederic and the Bohemians, being thus left to themselves, were completely defeated by the army of the Catholic league led by Tilly, at the battle of the White Mountain, near Prague, on the 8th of November, 1620, which is still remembered as a fatal day for Bohemia, whose independence was then sacrificed. Prague surrendered, Frederic ran away, and Ferdinand avenged himself by proscriptions and confiscations. Seven hundred of the chief Bohemian families were deprived of their estates. In the following year Ferdinand, having put Frederic to the ban of the empire, invaded the palatinate, and transferred part of it, with the electoral dignity, to the duke of Bavaria. The Evangelical Union was dissolved, and the Protestant states were overawed by the successes of Ferdinand, supported as he was by the Catholic league and by the Spaniards, a body of whom, 24,000 strong, had marched under Spinola from the Netherlands to assist the emperor; Austria and Catholicism were triumphant in Germany. Thus ended, in 1623, the first act of the great drama of the thirty years' war. Bodies of partisans, under Count Mansfeld and Christian of Brunswick, continued to carry on an appearance of resistance in the western borders of Germany, having the united provinces of Holland as a place of retreat in their rear. This was the time when the Austrians, under Baldiron, invaded the Grison country and endeavoured to subvert the Protestant religion there.

Cardinal Richelieu, the minister of Louis XIII., beheld with great jealousy the overbearing power of Austria in Germany, and the close union which existed between that power and the Spanish branch of the same house, the councils of which were then directed by the ambitious mind of Olivares, minister of Philip IV. The cardinal was, above all, alarmed at the Austrians having possession of the Grisons, and the Spaniards of Valtellina, by which a free communication was established

between the Austrian and Spanish territories of Germany and Italy. Richelieu, therefore, with that politic disregard of moral consistency which was then considered as characteristic of a great statesman, while he was persecuting the Protestants in France, encouraged underhand those of Germany to resist the encroachments of the emperor, who, flushed with success, did not conceal his intention of resuming the sees, benefices, and other ecclesiastical temporalities which the Protestant states had appropriated to themselves since the peace of Passau. The states of Lower Saxony, who were possessed of most of this kind of property, were the first to rouse themselves from their apathy; they formed a confederacy "for the defence of their religion and liberties," assembled troops, and, in 1625, invited Christian IV. of Denmark, a Lutheran prince and a relative of the expelled elector palatine, to assume the command. Christian found Tilly posted on the banks of the Weser; but the campaign of that year ended without any definite success on either side. Meantime another and a principal actor was about to appear on the scene. The emperor Ferdinand was, as it has already been observed, impelled by two great objects: one was the destruction of Protestantism, which he considered as tantamount to rebellion, and the other that of establishing his own supreme power over the whole German confederation. With this second object in view, he was nearly as jealous of the Catholic as of the Protestant states. The Catholic states, on their side, were on their guard against Ferdinand's ambition. Tilly was the general of the Catholic league, and not Ferdinand's general; he was subject to the duke of Bavaria, the head of the league, and received his instructions from Munich, and not from Vienna. Ferdinand had no army of his own to oppose to Christian; his treasury, notwithstanding the confiscations, was far from being well stored, and he was scarcely able to keep his own hereditary states in subjection. In this emergency he met with a man who proposed to raise, equip, pay, and maintain an army of 50,000 men in his service without cost to the emperor. This man was Albert Waldstein, or Wallenstein, of an illustrious Bohemian family, attached to the Catholic and imperial cause, who had distinguished himself in the subjugation of Bohemia, and had received a share of the confiscated estates as his reward. He was a man of extraordinary powers, with a mind fertile in resources, of a lofty romantic ambition, and an undaunted courage. He exacted as the conditions of his offer that he should have the absolute and undivided command of the army he should raise, and the appointment of the officers. The ministers of Ferdinand treated the proposal as a visionary scheme; but Ferdinand himself, eager to escape from the thralldom of his own allies, accepted it, and at the same time created Waldstein duke of Friedland. The latter fulfilled his engagement; he soon raised an army of 30,000 men in Bohemia, which was swelled on its march to Lower Saxony by crowds of adventurers, so as far to exceed the stipulated number of

50,000. Waldstein made the first disbursements out of his own purse, and trusted to forced contributions, plunder, and confiscations for the rest; and these means proved fully equal to the support of his troops as long as he remained at their head.

Waldstein, acting in concert with Tilly, defeated Christian of Denmark and his auxiliaries, count Mansfeld and the duke of Saxe Weimar; he conquered the Danish continental territories, invaded Mecklenburg and Pomerania, and the island of Rugen, occupied the whole southern coast of the Baltic, and began to collect ships of war, with which he intended to attack Christian in his islands, and even threatened Sweden, whose king, Gustavus, was another prop of the Protestant cause in Germany. Ferdinand, elated with success, created Waldstein duke of Mecklenburg, and named him Admiral of the Baltic Sea. The latter, however, proved an empty title. Like other great generals, Waldstein found that his fortune did not extend beyond the shore. The Danes and Swedes, excited by a sense of common danger, foiled him in his attack on Stralsund, and destroyed his squadron. Soon after, Christian of Denmark, having made overtures of peace, Ferdinand listened to them, and the peace of Lubeck was concluded in May, 1629. Thus closed the second period of the thirty years' war. Two of the emperor's most determined enemies, Count Mansfeld and Christian of Brunswick, died soon after of disease.

Ferdinand, firm and persevering in adversity, but stern and overbearing in prosperity, now gave full vent to his animosity against the Protestants. He began by resuming from the states of Lower Saxony the rich benefices which they had taken from the Catholic clergy since the peace of Passau, and he showed his own selfish disposition by bestowing the best of them upon his son Leopold and other relatives. He at the same time gave the signal of a cruel persecution against the Bohemian Protestants, the three-fourths of the population of that kingdom, who had risen again during the late contest, when count Mansfeld made an irruption into their country. He ejected their preachers, schoolmasters, and professors, and gave their churches and schools to monks, most of them collected in haste, ignorant and fanatical. He forbade Protestant worship under the severest penalties, declared their marriages, baptisms, and wills to be null, forbade them from exercising any trade or handicraft, and drove away the poor of their communion from the almshouses and hospitals. This was in the towns, whence the wealthier burghers were expelled with their families, and where the poorer class were compelled to become Catholics. In the country districts it was still worse, as parties of monks and Jesuits, accompanied by the military, went round, hunting out the Protestants, giving up their houses to pillage, and their families to the outrages of the soldiers. Every kind of atrocity that can be imagined was perpetrated in the name of the holy church and of the emperor. Ferdinand himself formally deprived the



Bohemian states of their right of election, forbade the use of the Bohemian language in all public transactions, and lastly, abrogating the former royal edict of toleration, he banished all those who would not abjure their faith and turn Catholics. Thirty thousand families, with their servants and retainers, left the kingdom; and by such means Bohemia became again a Catholic country.

In Austria Proper Ferdinand abolished likewise the Protestant worship, as well as in his other dominions, except Hungary, where he was restrained by the vicinity of Bethlehem Gabor and the fear of the Turks, always ready to take advantage of the first insurrection. Well might Ferdinand II. be compared, as he has been, to his relative Philip II. of Spain, they being the two worst princes that the house of Austria, which has given birth to many good and great men, has ever produced.

In the German empire, Ferdinand could not act at once in the same arbitrary tenour as in his own hereditary dominions. But he cavilled on the terms of the former treaties, the cupidity of the Protestants themselves affording him pretences for so doing, and in March, 1629, he issued the Edict of Restitution, in which he ordered the restoration of all ecclesiastical property secularized or appropriated to the Lutheran clergy since the peace of Passau. Two archbishoprics, Bremen and Magdeburg, twelve bishoprics, besides convents and other benefices, were thus restored to the Catholics; the Lutheran canons were ejected from Magdeburg, Halberstadt, and other chapters; and the Protestant princes were stripped of all ecclesiastical property, especially in Lower Saxony and Westphalia. The elector of Saxony alone was allowed to retain the benefices appropriated to his family. Another measure of Ferdinand was to declare that the Lutherans only were entitled to the benefits of the religious peace, excluding all other sects, and especially the Calvinists, from toleration; and he authorized the Catholic prelates to use every possible means for extirpating Protestantism in their territories, a licence of which they were not slow in availing themselves.

All this was but a prelude to the total extirpation of Protestantism from Germany, and consequently from the continent of Europe,—a consummation the desire of which was openly avowed by the imperial partizans, especially the Jesuits, by Waldstein himself, whose army, sworn to more than 100,000 men, was ever ready to enforce the imperial decrees, and by the agents of Spain, who were imbued with the persecuting spirit of the Inquisition, which ruled over their own country. Ferdinand, however, met with an effectual check from his own allies—the Catholic states of Germany, and especially from the duke of Bavaria. The German Catholics, especially the higher orders, were not so led away by bigotry as the Spaniards, Italians, or French; accustomed for nearly a century to mix with Protestants on terms of equality, as fellow countrymen and brethren, they had not against them the fanatical prejudices of nations exclusively Catholic. They also saw through the bad faith of Ferdinand, who aimed

at reducing them to the condition of dependants like the Spanish grandees; they beheld the spoils of the Protestants monopolized by the imperial family and dependants, the convents given to the Jesuits, instead of being restored to their original possessors; they were above all indignant at the insolence and licentiousness of Waldstein's army, which was scattered over the empire, living at the expense of friends and foes; and they resented the pride of its commander, who assumed the tone and state of a sovereign. The emperor added to these feelings of irritation by suggesting the dismissal of part of the army of the league. The members of the league met at Heidelberg, and boldly replied that, until they had been indemnified for their expenses during the war, they would not dismiss a single soldier, or relinquish one foot of territory, and they called on the emperor to convoke the diet. Ferdinand had just sent 30,000 of his troops into Italy, through the Grison country, to expel the duke of Mantua, whom he had put to the ban of the empire.\* He had also sent a force to the assistance of Sigismund of Poland who was engaged in war against Gustavus of Sweden, and another corps against the united provinces of Holland. The diet, which met at Ratisbon, demanded the reduction of the imperial army, the dismissal of Waldstein, and the suspension of the Edict of Restitution, and spoke of the necessity of conciliating the Protestants. Richelieu had sent an ambassador to the diet, accompanied by father Joseph, the celebrated Capuchin friar, the confidant of the cardinal, whose diplomatic skill, concealed under the garb of sanctity, was secretly employed in the most important affairs, and who, intriguing with both Catholics and Protestants, aimed at one great object, that of weakening the power of the house of Austria. Ferdinand complied in great measure with the demands of the diet, he dismissed the greater part of his cavalry, suspended the Edict of Restitution, and prevailed upon Waldstein to resign his command. At the same time the agents of Richelieu were encouraging Gustavus of Sweden to effect a landing in Germany. Gustavus, besides his own personal motives of resentment against Ferdinand, who had assisted his enemy Sigismund, and would not acknowledge him as king of Sweden, was, moreover, a zealous Protestant, and as such felt strongly for his persecuted brethren of Germany. Being encouraged by France, who agreed to pay him a subsidy, and also by England, the United Provinces, and the Hanseatic towns, he collected a force of 15,000 men, with which he landed in Pomerania in June, 1630, occupied Stettin, entered Brandenburg, and in a manifesto declared that he came to war against Ferdinand, who had given him personal provocation, and not against the members of the Catholic league, unless they chose to join the emperor. The troops of the league, however, assembled under Tilly, and were joined by a body of

\* This is the army that spread devastation and carried the plague into North Italy, and committed enormous barbarities at the storming of Mantua, in July, 1630, and whose fearful irruption is vividly described by Manzoni in his "Promessi Sposi."

Austrian troops, the remnant of Waldstein's army. Tilly could not prevent Gustavus from taking Frankfort-on-the-Oder, but was obliged to fall back on the Elbe, where he formed the siege of Magdeburg, which had revolted against the emperor. Gustavus was prevented from relieving it by the lukewarmness of the electors of Saxony and Brandenburg, and other Lutheran princes, who, instead of joining him with all their forces, held back through selfishness or pusillanimity. On the 10th May, 1631, the unfortunate town of Magdeburg was stormed by Tilly's soldiers, who inflicted on its devoted population all the horrors of cruelty, lust, and rapacity united. Neither age nor sex was spared. Some officers, horror-struck at the carnage, ran to Tilly, begging of him to put a stop to it; but that barbarian coolly answered, "Let the soldier have some compensation for his dangers and fatigues." Of 30,000 inhabitants hardly 1,000 escaped, and to complete the havoc, the soldiers set fire to the town, which was completely burnt down.

The horrors of Magdeburg awakened the German Protestants from apathy, and Gustavus was joined by the troops of the elector of Saxony and of the landgrave of Hesse, besides a reinforcement of 8,000 Swedes and 6,000 English volunteers under the marquis of Hamilton. On the 7th September, 1631, Gustavus and Tilly met near Leipzig, when the latter was utterly defeated, with a loss of 12,000 men and all his artillery and baggage. This battle established the superiority of Gustavus; all Germany was open to him, and he marched without interruption to the Rhine, while the elector of Saxony occupied Bohemia. Tilly himself was killed in attempting to defend Bavaria. Ferdinand saw no safety for himself unless by recalling Waldstein. That experienced commander, after making his own terms with the emperor, soon raised a fresh army well appointed and equipped. After many marches and manœuvres on both sides, Waldstein and Gustavus met at Lutzen on the 1st November, 1632, when a desperate battle was fought, in which Gustavus was killed, but Waldstein was defeated. The battle of Lutzen may be considered as closing the third period of the war.

The senate of Sweden, during the minority of Christina, Gustavus's daughter, resolved to carry on the war in Germany, and the Chancellor Oxenstiern was charged with the conduct of it. Oxenstiern succeeded in forming at Heilbronn a league of the states, composing the four circles of Suabia, Franconia, and the Upper and Lower Rhine, by which they engaged to carry on the war in conjunction with Sweden, until the civil and religious liberties of Germany should be secured, the deposed princes restored, and a compensation made to Sweden for her expenses. The duke Bernard of Saxe Weimar was entrusted with the principal command. The campaign of 1633 was a desultory one, Waldstein contenting himself with hovering about the borders of Bohemia and Silesia, and watching the movements of his antagonists. His caution and inaction afforded occasion to his enemies at the imperial court to represent him

as a traitor, and Ferdinand, who felt that Waldstein kept him in a state of dependence, lent a willing ear to their suggestions. The duke of Bavaria, between whom and Waldstein there rankled of old a mutual jealousy, joined in the plot, and Ferdinand having ordered Waldstein to divide his forces and to march to Ratisbon, in the midst of winter, that proud commander refused. The emperor ordered him to be seized, alive or dead. Several of his confidential officers were bribed, a conspiracy was formed, and he was basely murdered at his head-quarters at Egra, in Bohemia, in February, 1634. Thus another great actor of the thirty years' war was carried off the scene.

The archduke Ferdinand, afterwards Ferdinand III., being appointed generalissimo of the imperial forces, obtained great successes in the campaign of 1634, took Ratisbon, and completely defeated the Swedes and their allies at the battle of Nordlingen. The elector of Saxony and other Protestant princes made their peace with the emperor. Oxenstiern, in this emergency, applied to Richelieu, who seized the opportunity of playing a principal part in the affairs of Germany. He entered into an alliance with Sweden on condition of retaining Alsace and Philipsburg. A French army now acted in conjunction with the Swedes, with various success, till Ferdinand II., the primary cause of all this contest, died at Vienna, in February, 1637. In the two following campaigns, the duke of Saxe Weimar on the Rhine and General Banner at the head of the Swedes on the Elbe, obtained great advantages over the imperial troops, but the duke of Weimar died of fatigue in July, 1634. A succession of generals—Banner, Torstenson, and Wrangel—all formed in the school of Gustavus, followed each other in the command of the Swedish forces in Germany, and, in conjunction with France, carried on the war with various success, till 1648, when the peace of Westphalia was concluded.

During this long and stormy period the Swiss cantons had a difficult task in maintaining their neutrality. Sometimes the Austrians or imperial troops, sometimes the Swedes, at other times the French, would encroach on the territory of the confederation, especially on the canton of Schaffhausen, and that part of Basle which lay north of the Rhine. In 1634, the Swedes having attempted to attack the city of Constance, and passing through Stein, a town of the bailiwick of Thurgau, the Catholic cantons sent troops to oppose their passage; burgomaster Kesselring, of Zurich, was arrested as having favoured the Swedes, and a rupture between the Catholic and Protestant cantons appeared imminent. The Austrians soon after violated the territory of Schaffhausen and burnt several villages. The Zurichers came to its defence, but too late. The towns of Mulhausen and Rottweil, though allied to the confederation, being placed outside its boundaries, were left to the outrages of both armies. In fact a federal republic, divided within itself by religious parties, could not possibly act with vigour against powerful neighbours, except indeed in extreme cases, when common interests of the most obvious

and pressing importance opened the eyes of all its members. Such a government could have but little foresight, and no enlarged views of general politics. This was seen in the affair of the Franche Comté, which belonged to the house of Austria, and the neutrality of which had been guaranteed by solemn treaties with the confederation. Louis XIII. invaded it without scruple, notwithstanding the remonstrances of the Swiss, and afterwards his successor, Louis XIV., annexed it finally to France, which formidable power became thus a close neighbour of the Swiss along the whole line of the Jura.

Switzerland, however, was fortunate enough to escape being involved as a party in the thirty years' war. Meantime Swiss soldiers fought in the French service under J. L. d'Erlach of Bern, who distinguished himself and won the baton of marshal of France, which was given him only a few days before his death. The peace of Munster, or of Westphalia, in 1648, in settling the politics of Europe, solemnly acknowledged the Swiss confederation as an independent state in Europe, free from all claims and pretensions on the part of the German empire. The Swiss laboured hard to obtain this acknowledgment, and at last succeeded. An imperial decree of the 16th May, 1647, had already acknowledged "the full independence of the city of Basle, *as well as of the other Swiss cantons*, as no longer amenable to the jurisdiction of the imperial chamber at Speyer;" before which natives of Switzerland were, until then, occasionally summoned. The influence of France and Sweden was exerted on this occasion, in favour of the Swiss, to obtain for them the important boon.

Fresh troubles, resulting from various causes, broke out soon after in the interior of Switzerland. During the thirty years' war the country had been inundated with thousands of adventurers and vagrants from the various hostile parties and armies, who excited the people to disturbance, and committed many disorders. Measures of severity were resorted to, and more than 200 of these outlaws were executed at Bremgarten in one year. But their evil example served to demoralize the peasantry. The expenses occasioned during the same period, in order to preserve the security and neutrality of the country, obliged Bern, Zurich, and other cantons to impose a property tax of one per thousand on capital, or property of every description, without exception of rank or condition. The estimate of the capital was left to the honour of each individual; but it was not stated how long this tax should continued to be levied. The country people feared that it would be permanent, and the fear gave rise to partial insurrections, which were put down by Bern, without any great display of severity. In the canton of Zurich, however, the tumult became more serious. Two communes, Wädenschwyl and Knonau, openly resisted their magistrates. The military was sent from the town of Zurich to enforce obedience, and the inhabitants were obliged to sue for pardon on their knees; seven ringleaders were beheaded, and the two communes were fined 40,000 florins. This took place in 1645.

Several of the cantons having depreciated their small currency during the thirty years war, as the German Princes had done, and wishing to restore it to its real standard after the conclusion of the peace of Westphalia, ordered the base coin to be reduced in its nominal value; directing, at the same time, that all rents and payments to the public treasury should, for a certain period, be received at the raised value as heretofore. This measure, however, created confusion, especially among the peasantry—a class naturally suspicious, and prone to take umbrage. Other complaints were added to this source of discontent. The bailiffs, sent by the towns to govern the rural districts, sometimes acted in an arbitrary manner. Appeals were of little use, for the bailiffs had friends in the councils, the members of which, having a chance of filling the office in their turn, would not contribute to curtail its prerogatives however abused. The monopoly of salt, a most essential article in a grazing country, was loudly complained of; although at that time, when internal communications and trade were much more uncertain than at present, the system might be fairly attributed to foresight on the part of the government in order to ensure a permanent supply. The government monopoly of gunpowder appears less justifiable, but it was said to have been resolved upon in consequence of the bad quality of the powder which was previously manufactured by private individuals. A duty on the exportation of cattle, and an excise tax on wine, were also reckoned among the minor grievances. But the privileges of the corporations in the towns by which the rest of the people, especially the rural population, were excluded from the manufacture or sale of many articles, were a constant source of irritation among the peasantry.\* People of little practical information declaimed against all these things together as intolerable abuses, forgetful that it was impossible to change at once the whole system of society as established for ages; and, by urging so many complaints at one and the same time, they rendered the towns reluctant to listen to the grievances of the country, and thus prevented any particular subject from being attended to and redressed. Crowds of peasants assembled here and there, nor were persons wanting to blow the fire into a blaze. Several years, however, elapsed ere the flame burst out.

The peasants of the Entlibuch, a fine and extensive district of the canton of Luzern, inhabited by a bold, vigorous race of men, were the first to rise in open revolt in 1653. Their proximity to Unterwalden, and the other democratic cantons of the Waldstätten, may have contributed to excite in them a wish for a state of democratic independence, similar to that of their neighbours. They at first sent deputies to Luzern to demand the restoration of the coin to its late nominal value. The deputies were ill received by the council, and on their return the people drove away the officers of the government. The Avoyer Dulliker of Luzern, accom-

\* These privileges of corporations and guilds were at first the only effectual means of encouraging manufactures and commerce, as it has been shown at p. 23.

panied by several other councilmen and magistrates, repaired to Wollhausen in the Entlibuch to reason with the peasants. He found the whole country in arms, and a body of fourteen hundred men came to meet him. They clamoured tumultuously about the currency, the taxes, and tolls, the bailiffs, and their other grievances; and the avoyer, seeing that his remonstrances were fruitless, returned to Luzern. The revolted peasants threatened to march on that town, but 400 men from the Waldstätten came to reinforce its garrison; Zurich and Bern armed likewise to support Luzern, and the insurgents asked for terms of accommodation, which were in part granted, through the mediation of the other cantons. The peasants of Entlibuch secured some valuable privileges, among others that of having the avoyer of Willisau chosen among themselves, and of having their own courts of justice, subject to appeal at Luzern, only for causes above 100 florins. But the spirit of insurrection now spread into the districts of the neighbouring cantons. The Emmenthal, the Oberland, the Aargau arose against Bern, and the peasants of Soleure joined them. The uproar and the disorder were great, but the municipal towns, the wealthy proprietors, and the clergy remained faithful to the government of the capital. The other cantons interfered here also, and succeeded in bringing about a pacification; the senate of Bern making concessions, and the deputies of the rural districts begging forgiveness for all past offences. Peace appeared to be re-established, when on a sudden the peasants of Luzern rose again, and carried along with them their neighbours of Berne. The insurrection now assumed a formidable appearance, for it extended to four cantons, Luzern, Bern, Soleure, and Basle. The insurgents held a general assembly at Sumiswald in the Emmenthal, when they appointed a countryman of the name of Leuenberger as their commander; and they sent circular letters to the subjects of the other cantons, inviting them to meet together in order that all Swiss should become free, and that the country districts should be independent of the towns. But their measures were ill concerted; they had no regular steady purpose in view, no discipline, every one wished to command, and no one was willing to obey. They would not listen to prudent and temperate counsels, but lent a willing ear to the most violent among themselves, and they disgraced their cause by acts of cruelty against those who would not go hand in hand with them, cutting off the ears of some, scalping others, and carrying fire and devastation through the very country which they talked about making free. At last Zurich, Bern, and even the cantons of the Waldstätten sent their contingents, determined to put down the insurrection. It has been observed by Zschokke that "the forest cantons, jealous as they were of their own democratic liberty, joined the towns in putting down the peasants, who wished to be as free as themselves; and this, because the Waldstätten themselves had subjects in the bailiwicks." But, besides this reason, it ought to be observed that the situation of the Waldstätten, from their very origin, had differed greatly

from that of the town cantons; their equality had existed on their mountains from the very beginning of society, they had no large opulent cities who had led the way to their independence; the peasants of the Waldstätten were the founders of their republic, whilst the peasants of the other cantons had either been conquered by the towns from their former lords, or had of themselves sought the protection of the towns, and were glad to obtain it, without stipulating at the time for any share in the sovereign power.

The generals Wertmuller of Zurich, Sigismund d'Erlach of Bern, and Zweyer of Uri, commanded the confederate forces, to the number of 20,000 men. As the insurgents threatened Bern, the council of that city sent them deputies with offers of conciliation, which some of the leaders approved of, but the multitude would not listen to. Wertmuller therefore advanced upon Mellingen, which was besieged by a body of the insurgents, and having repulsed them they lost courage, and then sued for terms. They were told to disband immediately, and deliver up their arms, which they did. Another body, under Leuenberger, was attacked by d'Erlach at Herzogenbuchsee, when a desperate combat was fought. The peasants, being driven from the village, after disputing every house of it, dispersed among the woods: but most of their leaders were seized, and being tried by court-martial, were sentenced to death and executed. Leuenberger was taken to Bern, where he confessed upon the rack the names of his accomplices and their designs: his papers being examined confirmed his deposition, and he was beheaded. The insurgents of Luzern, 'the boldest of all, were the last to submit, and by the mediation of the forest cantons they obtained milder terms. Thus the "peasant war," which had spread over one-half of Switzerland, was at an end.

Two years had hardly elapsed after the termination of the insurrection, when a new religious war broke out among the cantons. The federative bond was so loose that each state formed alliances with foreign powers, without consulting the other cantons. The Protestant cantons had entered into treaties with Holland and England, and the Catholic with the dukes of Savoy and the prince Bishop of Basle. These foreign connexions, adverse to each other, strengthened among the confederates the feeling of mistrust and jealousy which had been kept alive by the never-ending disputes concerning the subject-bailiwicks. A fresh cause ripened this feeling into open hostility. Several families from Arth, in the canton of Schwytz, having embraced the reformed communion, were obliged to fly their country, where their lives were not safe. They took refuge at Zurich in 1655, and entreated that government to intercede for them, that they might at least be allowed to remove their property along with them. The magistrates of Zurich wrote to the people of Schwytz, but the latter answered that "they owed no account of the administration of their country but to God and themselves;" and they confiscated the property of the emigrants, and perse-



cuted their relatives. The other Protestant cantons interfered; they appealed to former treaties about toleration, and to the federal pact, but all in vain. The Zurichers at last resorted to arms, and Schaffhausen and Basle joined them. They overran Thurgau, expelling the officers sent by the Catholic cantons; and the Zurichers laid siege to Rapperschwyl, which was occupied by a garrison from the Waldstätten. Bern put its troops in march to join Zurich, but this time the Bernese marched without discipline, committing depredations on their way. They encamped at Willmergen, in the Aargau, on the road to Bremgarten, taking no precautions against surprise. Four thousand men from Luzern, under general Pfyffer, were concealed in a wood on the heights of Wohlen, in that neighbourhood; and on the 14th of January, 1656, at two in the afternoon, they issued suddenly out of a hollow road and directed their fire on the Bernese. The latter had not time to form their ranks; they made but two discharges of artillery, when they found that their ammunition was expended. At this moment general Pfyffer received a dispatch from Luzern, directing him not to begin the attack, as there was still some chance of accommodation; but, probably guessing the contents of the letter, he put it unopened into his pocket, and ordered the pursuit of the enemy. The rout of the Bernese was complete; they lost nearly 1000 men and eleven pieces of cannon; a great part of their troops had not time to join in the flight, and they too retreated. This defeat was followed by an armistice, which led in the following month of February to a treaty of peace, in which the government of Luzern, mistrusting their own peasantry, were glad to concur. The Catholic cantons were left at full liberty to settle as they pleased all religious matters concerning their own citizens and subjects. This war of only nine weeks cost Zurich nearly half a million of florins; and the peace thus hastily concluded left behind it the seeds of future contentions, for the Catholics abused the power they had secured, and fresh scenes of bloodshed were enacted, especially in Thurgau, where the Protestants were very numerous.

Louis the Fourteenth's persecution of his evangelical subjects, and his inhuman dragonades, in 1682, roused the indignation of the Swiss Protestants. Many of the French Huguenots fled to Switzerland, where they met with commiseration and assistance. Several thousands were dispersed through the villages in the Pays de Vaud, subscriptions were raised for them, and they were supplied with necessaries at the expense of Bern and the other Protestant cantons. The subsequent persecution of the Waldenses by the duke of Savoy, at the instigation of the French king, drove another flock of Protestants to seek asylum in Switzerland in 1686; these were likewise assisted, but the burden became too great for the cantons to bear. The diet negotiated successfully with several German princes, and with the states of Holland, in order to find an asylum for part of the emigrants in those countries; but the difference of

language, manners, and climate, prevented most of the latter, especially the Waldenses, from accepting the offer. Thus they remained supported by the Swiss until 1689, when the duke of Savoy allowed his subjects to return to their native valleys in Piedmont. Fresh persecutions, however, drove 3000 of them back to Switzerland in 1694. The Swiss, already overburthened with French refugees, negotiated with England, Holland, and Brandenburg, but it was not until the spring of 1699 that a numerous body of emigrants of both nations, being supplied with money by the cantons, actually left Switzerland, and proceeded to various parts of Germany, to Hesse, Wurtemberg, Brandenburg, and Holstein, where they formed colonies, having their own pastors, and retaining their language and form of worship. The remainder settled in the Romane or French part of Switzerland. These various refugees cost the Protestant cantons large sums during the many years they remained in the country; the state of Zurich alone contributed 400,000 florins, besides private subscriptions.

The Swiss had now managed to live for half a century in peace among themselves. The disputes, however, between Toggenburg and the abbot of St. Gall gave rise to another religious war.\* The country of Toggenburg, containing about 50,000 inhabitants, and situated between Zurich, Appenzell, Glarus, and the lands of the abbot, had been, ever since the reformation, divided between the two religions, of which the reformed reckoned by far the most disciples. The victory of Cappel, obtained by the Catholic cantons in 1531, having reinstated the abbot in all his jurisdiction, the Toggenburgers had returned to their allegiance to him, maintaining, however, their ancient privileges, their own magistracy, the right of liberating accused persons upon bail, which was a very old custom in Toggenburg, and, above all, their religious freedom. Some of the abbots, however, encroached by degrees on the people's rights; and at last the abbot Leodegar, at the beginning of the eighteenth century, assumed the authority of an absolute master over Toggenburg. He established his own courts of justice, appointed the local magistrates, and excluded the Protestants from all places of trust. He obliged the inhabitants to work at the public roads, although they had twice redeemed themselves from the *corvées* to which they were formerly subject; and upon their remonstrating against this, he fined them heavily. He assumed the right of administering the church revenues and disposing of ecclesiastical preferments, and lastly that of regulating all matters concerning the militia.

The two cantons of Schwytz and Glarus, coburgers and protectors of Toggenburg, being the first wholly, and the other partly, Catholic, remained indifferent spectators of these encroachments. Not so the Protestant cantons, and Zurich in particular, after remonstrating with

\* See note to p. 94, how the Toggenburg came into the possession of the abbot of St. Gall.

the abbot, sent in 1709 some troops towards the frontiers of Toggenburg. The abbot, on his side, placed garrisons in the various castles, and prepared for war. The people of Toggenburg rose in 1710 and expelled the abbot's garrisons, and anarchy and confusion spread over the country. The Protestant cantons openly espoused the cause of the Toggenburgers, while the Catholic took the part of the abbot. The Zurichers and Toggenburgers united attacked the abbot in his own territories, ravaged them, and obliged him and his monks to escape to Lindau, across the lake of Constance. The town of Wyl made a long resistance, but surrendered at last. Cruelties were committed on both sides. The Catholic cantons, in order to prevent the troops of Bern from joining those of Zurich, seized on Baden, Bremgarten, and other bailiwicks, in the Aargau. Zurich and Bern then ordered a joint attack on Baden, and, in the month of May, 1712, having taken Bremgarten, they laid siege to the castle of Baden, which is built on a steep hill. After a severe cannonade, by which the town was greatly damaged, the commander of the garrison, Crivelli of Uri, surrendered, and from that time the castle of Baden has remained in ruins, as it is seen at the present day.

Negotiations were next resorted to, but without any results. A religious war now raged throughout Switzerland; nearly 150,000 men, Catholics against Protestants, were under arms. Austria and France threatened to interfere, but fortunately England, Holland, and Prussia kept them in check. After several desultory actions, an army of 12,000 men from Luzern and the Waldstätten, under Ackermann of Unterwalden, advanced in July along the valley of the Reuss to Willmergen, where they met on the 25th the troops of Bern, amounting to about 9000, on the same ground where the Bernese had been defeated fifty-six years before. This second battle of Willmergen, however, had a different result from the former one. It lasted six hours, and was obstinately fought on both sides. At last the Bernese broke through the ranks of their enemies, who fled, leaving on the field of battle 2000 men, three superior officers, five Capuchin friars, besides colours, cannon, &c. The Bernese lost 800 men, and had most of their officers wounded. The victorious army then entered the canton of Luzern, whilst the Zurichers invaded Zug, took Rapperschwyl, and threatened Schwytz. The five Catholic cantons sued for peace, which was concluded at Aarau in the following August, 1712. The Catholic cantons gave up to Zurich and Bern the exclusive sovereignty of Baden, Bremgarten, Mellingen, and the other bailiwicks of Aargau, and admitted Bern into the co-sovereignty of Thurgau, Rheintal, and Sargans. The regency of Toggenburg remained as Bern and Zurich had established it, until matters should be settled with the abbot. This convention served permanently to ensure religious liberty to the subject bailiwicks, and the possession of the county of Baden opened a free communica-

tion between Bern and Zurich. No more religious wars occurred in Switzerland after the peace of Aarau.

The abbot of St. Gall, Leodegar, still persisting in his unreasonable pretensions over Toggenburg, died in exile, and his successor acceded to terms in 1718. All the ancient immunities and rights of the Toggenburgers were guaranteed to them, whilst they, on their part, acknowledged the sovereignty of the abbot.

From the peace of Aarau, in 1712, till the French revolutionary invasion of 1798, Switzerland enjoyed a long period of repose. During these eighty-six years no war, foreign or domestic, disturbed its peaceful boundaries. This seems, therefore, to be a fit opportunity to examine the various institutions of its component states, and the condition of the inhabitants, their allies and subjects, under the confederation of the thirteen cantons, such as it existed till the period of the French revolution.

Specimens of almost every possible form of government were to be seen within the limits of the old Swiss confederation. First of all, among the thirteen cantons, there were aristocracies, in which a certain number of families appointed the members of the sovereign council; then there were municipal governments, like the Italian republics of the middle ages, in which the burghers of the principal towns elected the legislature, while the rest of the country was subject to them; and again there were pure democracies, with annual comitia of the whole male population of the canton. Each of these three classes ought to be examined separately.

The self-elected aristocracies were four in number: Bern, Freyburg, Luzern, and Soleure. Among these, Bern stood prominent for the wisdom and steadiness of its councils no less than for its wealth and power, the extent of its territory, which embraced nearly one-third of all Switzerland, the number and the spirit of its population, and its general prosperity. The great council of Bern, called "the council of two hundred," from its original number at the end of the thirteenth century, was the sovereign power in the country. Its full complement had been fixed, however, at 299; but this number was seldom complete, as the vacancies were allowed to amount to eighty before an election took place, which was in general the case every ten years. The members were considered to be elected for life, though liable to be removed in case of proved delinquency. They were all taken from among the burghers of Bern, and were to be full twenty-nine years of age before they could sit in the council. The burghers themselves were either descendants of the old families who had contributed to the foundation of the city, or new families who had successively acquired the burghership. It has been already stated that Bern was founded at the end of the twelfth century, by the subfeudataries or country nobility, as a place of refuge against the oppression of the great lords, and of safety from the conten-

tions and anarchy in which the latter involved the country. This secondary nobility, with Cuno von Bubenberg\* at their head, constituted the first body politic; they were the proprietors of the ground, the owners of the houses, and for a time they, their families and servants, formed the main population of the town. By degrees many of the neighbouring farmers, small proprietors, as well as artificers and traders from various parts, glad of the protection afforded by this rising free city, placed themselves willingly under its sway, and many of them came to live within its walls. Thus a plebeian population arose like that of infant Rome, by the side of the patricians. But, unlike the patricians of Rome, those of Bern wisely shared of their own accord the freedom of the city and the offices of the state with the new families, who were divided into tribes or guilds, called after the principal trades. These were originally four,—bakers, smiths, butchers, and tanners,—corresponding to the four districts in which the city was divided, having each a banner, the bearer of which was called *baumeret*. Eight more tribes were afterwards added, which, however, had no local district assigned to them, but were dispersed among the original four wards. These guilds or tribes, in course of time, were called *abbayes*, from the public halls belonging to each corporation, which even now are known by that name, although they have been mostly converted into boarding houses or hotels, such as *l'Abbaye des Boulangers*, &c. All the families having the freedom of one of these *abbayes* were considered eligible to the sovereign council, and thereby to all the offices of state; but, for a long time, the chief magistrates were cheerfully elected from the old families, by the burghers themselves. In 1384, however, the burghers, dissatisfied with the overgrown influence of the nobles, deposed the magistrates, and decreed that the council should be renewed in part every year, from a list made by the bannerets out of all the honest freemen of the city. To the bannerets were joined sixteen citizens called *seizeniers*. But these regulations became, in course of time, obliterated; no remonstrances being made, the bannerets and *seizeniers* neglected their duties; the office of counsellor continued for life in the same individual, and consequently the vacancies were filled from a small number of families. In 1470 troubles arose in the great council itself, between the patrician members and the other burghers, at the head of whom was a butcher of the name of Kistler. The nobles left the city with their families, and retired to their estates; and Kistler, having become *avoyer* or first magistrate of Bern, enforced several harsh enactments against the emigrants. But the war of Burgundy breaking out soon after, put an end to these differences. In the course of ages, most of the original noble families became extinct; and in the last century before the fall of the

\* The family of Bubenberg continued at Bern till the sixteenth century, when it became extinct. A large portion of the town belonged to them. Other families were owners of whole streets.

republic, only six remained, namely, d'Erlach, Diesbach, Watteville, Mulinen, Bonstetten, and Luternau. The whole number of families which at that time constituted the burghership was about 250, and of these about seventy were considered patrician, having furnished members to the senate; and out of these the vacancies in the great council were usually supplied, although generally at every election some new family was brought in. Thus a burgher aristocracy took the place of the original patrician one. The majority of the inhabitants of Bern were not burghers, and were excluded from the legislation and government, together with all the inhabitants of the country excepting a few who were from time to time admitted into the burghership.\* The burghers themselves, as a body, were never assembled, such assembly not being acknowledged as a part of the state. The families who either did furnish members to the great council, or aspired to do so, did not follow any trade, but lived on their income, although they were of course inscribed as burghers of one of the tribes, of the bakers, butchers, &c. Military service abroad supplied the young patricians with the only resource against idleness and straitened circumstances, while waiting for their tardy admission into the sovereign council.

The sovereign council made and repealed laws, declared war and concluded peace, superintended the revenues, imposed taxes, disposed of appeals in civil causes, and nominated to the inferior courts and offices. It delegated the executive power to the senate, or little council, which was chosen out of its own body. The senate consisted of 27 members, including the two *avoyers*, the two treasurers, and the four bannerets. The senators were for life; and vacancies among them were filled up by the following complicated mode of election. Twenty-six balls, three of them being gilt, were put in a box, out of which each senator drew one; those who drew the gilt balls were constituted electors. In the same manner the members of the great council drew out of another box, in which were seven gilt balls, and thus furnished seven electors out of their body. These ten electors fixed upon a certain number of candidates, not fewer than six and not more than ten, out of the list of those counsellors who were eligible into the senate, the qualifications required being that they had sat ten years in the great council, and had therefore attained the age of forty; that they were married men or widowers; and that they had neither father, brother, nor son already sitting in the senate. The candidates now withdrew from the council, with their nearest of kin; their names were affixed each to a box, and a second choice of electors was made by lot, the number of golden balls being in this instance two-thirds of the members present. Each of those who drew a golden ball dropped it into the box of one of the candidates, and on ex-

\* The city of Bern contained in 1776 about 11,000 inhabitants, while the burgher families admissible into the council were, according to Busching, 274, which could form but a small minority of the whole population.

aming this ballot, the six who had the fewest votes were recalled into the assembly. The four candidates remaining now drew lots from a box, in which were two gold and two silver balls, and the two who drew golden balls were lastly put to the ballot of the whole assembly, and the final election was decided by the majority of votes. The object of all these alternations of lot and ballot was to leave the greatest room for the action of chance in the choice of the electors, rather than in the choice of the candidates, to the vacant office, so as to open a fair prospect to the meritorious, and to put impediments in the way of cabal and intrigue.\*

The senate sat every day for the dispatch of current affairs, Sundays excepted; it discussed all projects and prepared all statements that were to be laid before the sovereign council, decided criminal causes, except capital cases, within the jurisdiction of the city, which were reserved for the great council; it conferred all church preferments, and most civil offices. Whenever the great council sat, which was generally twice a week, except at harvest time, the senate became incorporated with it and retained no distinct authority.

The principal magistrates of the state were the two avoyers (Schultheiss), the two treasurers, and the four bannerets, all chosen by majority of public votes of the great council. The salaries of the principal magistrates were as follows:—The avoyer, in office, 400*l.* a year, a banneret, 230*l.*, a senator, 150*l.* The rest were in proportion. The avoyers were for life, though liable to be removed, each assuming in his turn the office for one year. The *reigning* avoyer, as he was called, was the chief magistrate or head of the republic: he presided over both the senate and the great council, where he sat under a canopy, having before him, on a table, the seal of the republic. He did not mix in the debates, unless his opinion was asked, and he had only a vote in case of equality of votes. The two treasurers, one for the German district, by far the largest, and the other for the Pays de Vaud, or Pays Roman, as it was called, were appointed for six years. They laid their accounts twice a year before the great council. The four bannerets were chosen from the four original tribes or guilds, and each had the superintendence of one of the four bailiwicks, or districts of the city, Seftingen, Sternenberg, Zollikofen, and Conolfingen. In conjunction with the treasurers, they constituted the two boards of finance, called the German and the French chambers.

There were, as we have mentioned, sixteen members of the great council, called *seizeniers*, elected out of the twelve companies or tribes, generally from among those who had served the office of bailiff. Their chief functions related to the nomination of magistrates and the election of new counsellors. When the great council determined on completing their number, each senator and each *seizenier* appointed one member, the avoyers two each; the greffier, or secretary of state, the chancellor,

\* The above particulars are taken from Planta, who has given the clearest account we have seen of the institutions of Bern.

the grand sautier, or lieutenant of police, and the keeper of the town-house had also the privilege of nomination. All these electors gave of course the preference to their near relations, by which means most of the seats in the council were generally filled from a small number of families, about seventy in number. About fifty vacancies being thus supplied, the remaining thirty were filled up from among the burghers. Each of the abbays sent in the names of those burghers who being duly qualified were nominated as candidates. All these names being put into a box were drawn one by one and called aloud. At each name those senators and *seizeniers* who approved of the candidate rose from their seats. The votes for each candidate being duly registered, those who were found at the end to have the majority of suffrages were declared elected for the vacant seats. Thus, at every election, some new burgher families were admitted into the great council. Families from the country, and the Pays de Vaud, who were inscribed in one of the abbays as burghers of Bern, became eligible. All the rest were subjects of Bern, but most of the towns enjoyed municipal privileges; they elected their own local magistrates, and had their communal councils.

The territory of Bern was divided into bailiwicks, thirty-eight in the German part, including Aigle, and twelve in the Pays de Vaud, not including the subject bailiwicks in other parts of Switzerland, which Bern held in common with other cantons. Of the German bailiwicks six were within the district of Bern, six in that of Biel or Bienne, ten in the Argau, seven in the Emmenthal, and eight in the Oberland. Most of these bailiwicks had been originally secular jurisdictions, purchased or conquered from the feudal barons, the others had belonged to monasteries, secularized at the reformation, when part of their revenues was appropriated to the maintenance of the clergy, to schools, and to charitable purposes. The places of bailiff were worth the highest about 1,200*l.* sterling, and the lowest 300*l.* a year, derived from local perquisites. They were the great prizes in the lottery of the state. The bailiffs collected the various taxes, dues, and fees payable to the government, which had succeeded to the rights of the former lords; and they also managed the seignorial domains, which had devolved to the state, upon the rental of which the bailiff received a certain fixed allowance. He was also entitled to incidental perquisites; for instance, at the death of a peasant, to a small per centage on the inheritance, and also to a share of the fines inflicted for misdemeanours, which were, however, determined by the legislature, and not left to arbitrary decision. The bailiffs were appointed for six years; it was required that they should be married men, and the same person could not hold one of the more lucrative bailiwicks more than once. Formerly they were elected by majority of votes in the sovereign council, but a law, passed in 1712, established the election by lot; the preference being given to senior counsellors over those of a more recent date. They were the representatives of the sovereign power of the state,



in their respective districts; they enforced the laws and ordinances, collected the revenues, and acted as justices of peace, and as judges in civil and criminal cases, subject to appeal to Bern. They delivered their accounts to the economical chamber or board of finances, to which court appeals lay in cases of exaction.

A singular institution existed at Bern, called "the exterior state." It was a sort of mimic legislature, composed of the young men of patrician families, who had not yet attained the age required to enable them to enter the great council, and who assembled together in a splendid building; appointed their great council, senate, avoyers, &c., chosen in the same manner as their prototypes, and with the same ceremonies; discussed political subjects, and went through all the routine of state. The post of avoyer in this mock government, although attended with considerable expense, was earnestly sought after, as the successful candidate was sure of being admitted in due time into the sovereign council, without any further recommendation. They had their mock bailiwicks, which consisted of the ruined castles scattered about the country, that of Habsburg figuring conspicuously among the rest. They had their treasury, and their standing debt, being in this latter particular unlike the real government of Bern, which had been ever conducted with the greatest regularity and economy, and not only was free from debt, but was possessed of a considerable surplus fund. This juvenile institution was considered as a seminary for future counsellors and statesmen, but in latter times it seems to have become a mere pretence for sumptuous dinner-parties, and other gaieties. The coat of arms of the external state was a monkey sitting on a lobster, and viewing itself in a mirror.

The principal sources of the revenues of Bern were the demesnes, chiefly abbey and convent lands devolved to the state at the reformation; quit-rents on lands granted to individuals; fines on the alienation or sale of landed property in the Pays de Vaud, being in some cases one sixth of the purchase money; the monopoly of salt and gunpowder; the produce of the post-office, which was farmed; the customs and tolls; a duty on the wine imported into the city; fines imposed for misdemeanours; fees on judicial proceedings, and for grants of naturalization; lastly the tithes, which were sequestered at the reformation, but the produce of which was especially appropriated to the support of the clergy, of seminaries, and of various charitable establishments. The amount of the whole net revenue has been variously stated, for no budget was published. Stannyan, at the beginning of the eighteenth century, calculated it at about 50,000*l.* sterling per annum. And yet with this small income, the state paid the magistrates and public officers, provided for the constructing and repairing of roads and bridges, for the splendid public establishments, the asylums for the poor, the infirm, the aged, the prisons and houses of correction, besides the liberal assistance it granted to the sufferers from inundations, avalanches, fires, epidemics, bad harvests, and other

casualties, no public calamity remaining unheeded by the government; and it also contrived to accumulate funds, which were either placed in foreign securities, or kept in ready cash at home to provide for any sudden emergency. In 1770, Bern held foreign stock of the value of nineteen millions of Swiss livres, of which one half was in the English funds. The interest of this investment contributed to swell the revenue in case of need. Its treasure at home when the French plundered it, in 1798, was between thirty and forty millions of livres, or nearly two millions sterling. Bern had not, any more than the other cantons, a standing army; if we except a city guard of 360 men, a detachment of 100 men in the castle of Aarberg, and four companies of artillery. But every man, between sixteen and sixty, was enrolled in the militia, was liable to be called out, and was expected to provide himself with uniform, arms, and accoutrements. Indeed, no one was permitted to marry unless he produced his complete military equipment. Out of the whole number a body of 40,000 men was selected and formed into regiments, of which one third alone, consisting chiefly of the younger and unmarried men, was called out, except in cases of extraordinary emergency. The cavalry was formed in the same manner, and consisted of eighteen squadrons of dragoons, each man finding his own horse. These troops were exercised and reviewed at particular times. The arsenal of Bern was well supplied with arms of every sort, besides a small depôt of arms at the chief place of each bailiwick.

The ecclesiastical affairs were administered by a consistory, composed of a senator, who was the president, of the dean of the collegiate of Bern, one of the pastors, and six members of the great council. The whole canton, containing 416 parishes, was divided into thirteen districts, called chapters. The livings were divided into three classes, the most lucrative being worth from £300 to £150 per annum; the middle ones from £150 to £100, and the rest less than £100. Vacancies in the higher livings were filled by promotion from the lower, in order of seniority; those in the lowest by appointment from the senate.

Every commune in the canton had, and still has, a purse, or fund, for the relief of its own poor, and this is generally the case all over Switzerland. These communes had also lands, which belonged to them in common, and the rents or produce of which were distributed among the burghers of each. The *Abbeyes* or guilds of Bern had purses for the relief of the poor members of their respective tribes.

The whole population of the canton of Bern amounted to nearly 400,000 inhabitants.

The style used by Bern, in all public documents of the state, was: "We, the avoyer, the little and the great council of the republic of Bern," &c. On some occasions the name of "burghers" was also added.

These are the outlines of this government, too much extolled by some during its prosperity, and unreasonably vilified by others at its fall. As

an aristocracy, it was, perhaps, the best of its kind that has ever existed. The people entrusted to its sway were prosperous and contented. But the defects inseparable from such a form of government were undermining it silently; a long peace added to its weakness, and a violent shock from without crumbled it to pieces. The late Mr. de Bonstetten, who was himself a Bernese patrician, and had been a member of the senate, thus describes it:—"It was, from its very nature, a stationary government, but it made happy all those who remained stationary along with it; and we might have thus continued in a perpetual and contented mediocrity, if nothing had arisen around us to tell us that we were not happy enough. The government had all the faults, but it had also all the virtues, of an aristocracy. Such was the disinterestedness of the patricians, that while they were accountable only to themselves for the management of the finances of the state, they lived in a state of bare competence, by the side of forty or fifty millions of livres of accumulated savings, which were finally plundered by our friends and allies from France. The Bernese government existed for ages unarmed in the midst of its armed subjects. Most unlike that of Venice, it resorted not to any inquisition or tyranny, in order to maintain itself. . . . A great characteristic of the Bernese government was its scrupulous honesty; I have sat in its councils and tribunals, and I can aver that I never, in any one instance, saw an act which even seemed to violate the strictness of this principle. I remember a circumstance which occurred in the German court of appeal, of which I was a member. A peasant, who had a suit before our court, left one day, unobserved, a basket full of lump sugar in the kitchen of one of the judges, hoping thus to secure his favour without committing either the magistrate or himself. The peasant was summoned before the judges, charged with an attempt at bribery, reprimanded, and sent to prison. A more vulgar mind would have been satisfied with returning the bribe."

The case was different in other parts of Switzerland. "Twenty years after I had become a member of the sovereign council of Bern, I happened to be sent to the Italian bailiwicks, to sit in a temporary court, called the Syndicate, composed of deputies from the various cantons. They thought only of making the best bargain each could for himself. I remember one deputy, a man of information, telling me one day—"You do not take money, and we are much obliged to you for so doing, our share will be the larger for it. Every man here who has a suit, lays aside a certain sum for the judges, and as you do not take your portion, your generosity is only to our advantage, it is of no benefit to the suitor."

With regard to the Bernese bailiffs, however, their exactions have been much exaggerated; "and it is certain," says Coxe, "that there have been frequent instances in which the bailiffs, having been guilty of oppression, have been impartially and severely punished." It was a

proverbial remark at Bern, that a peasant was sure to succeed in a suit against his bailiff. In this respect Bern afforded an advantageous contrast to most of the other cantons.

The historian Müller, who was by no means blind to the defects of the Bernese government, says, "It were no easy matter to find, in the history of the world, a community which has been so wisely administered, and for so long a period, as that of Bern. In other aristocracies, the people were kept in darkness, poverty, and barbarism; factions were encouraged amongst them, while justice winked at crimes; and this was the case in the territories of Venice. But the people of Bern stood, with regard to their patricians, rather in the relation of clients towards their patrons, than in that of subjects towards their sovereign."

The contempt for trade and industry among the patricians of Bern, and their consequent idleness until they were called to the offices of the state, are the heaviest charges that can be brought against them. The morals of the young men were loose, chiefly in consequence of their want of occupation; but once married, and raised to the magistracy, they became different men. "It was very curious," says Bonstetten, "to see the formal airs assumed by the officers and subaltern agents of government; for instance, the serjeants of the courts of justice in their cloaks, laced with black and red, proceeding to execute a warrant in some village. The expression of high consequence exhibited in their whole gait, their disdain of everything unconnected with their office was really comical; the peasants themselves, instead of being vexed, laughed at it. These Bernese peasants have such a proper feeling of manliness, they have so much good sense, their self-love is so intelligent, that they can easily afford to forgive that which would hurt a people more vain and susceptible. Their inherent philosophy is a remnant of ancient Germanic liberty, which has been preserved among the Alps. Their villages, their families, and their cattle, these are still the limits of their attachment and of their ambition." It was, and is still, a common saying in Switzerland, that there is no condition preferable to that of a Bernese farmer. They are generally proprietors, and often wealthier than most of the citizens, to whom, in fact, they consider themselves superior. They are proud of their condition, and the word "bauer," i. e. peasant, carries with it no humiliating idea. Indeed a feeling of national pride was characteristic of Bern and the Bernese people.

But, however the country population might be satisfied, the burghers of Bern themselves from time to time showed themselves impatient of an authority monopolised by about one-third of their number; and several representations were made to the government, demanding that the right of election should be secured to all the burghers. A captain Henzi, a man of literary acquirements, who had been busy in procuring signatures to one of these petitions in 1744, was banished for five years. On his return home, in 1749, he engaged in a conspiracy, the object of which

was to seize the arsenal, take possession of the city, depose the magistracy and the council, and to select new ones from the various tribes in a general assembly of the burghers, and, meantime, to appoint a dictator for the execution of this project. But although Henzi and some others recommended moderation, and wished to avoid, if possible, all effusion of blood, they were obliged, in order to add to their number, to admit into the plot men of more doubtful characters and intentions. These talked broadly of using fire and sword for the recovery of liberty; and the plunder of the treasures which were known to exist was not, perhaps, the least incentive to some of them. Henzi, alarmed and disgusted at these sentiments, despaired of success, and even contemplated withdrawing from the enterprise; but he was arrested, with two of his accomplices, the conspiracy having been revealed to the government by one of the conspirators. The prisoners were put to torture, and confessed the whole; and, when brought to trial, an advocate, Watteville of Landshut, the author of a history of the Helvetic confederation, spoke eloquently in extenuation of their offence. On the 16th July, 1749, sentence of death was passed upon Henzi, Emanuel Fueter, and Werner; the other conspirators were banished. Henzi met his death with fortitude; his two companions, who, as appeared from the papers found in their possession, were privy to the more deadly purposes of the plot, did not show equal firmness. The peasants of the neighbourhood of Bern, hearing of the conspiracy, came in arms to offer their assistance to the magistrates, and were not persuaded to return home until they were assured of the punishment of the conspirators; and, in truth, the latter, in the wildest flights of their revolutionary scheme, had confined their views to a distribution of power among the *burghers* of the city of Bern, and never troubled their heads about giving any share of political rights to the people of the country.

The sketch we have given of the government of Bern applies equally in its leading characteristics to the governments of the other three aristocratic cantons, with this difference, however, that they were altogether inferior to Bern in the public spirit of their governors, and in the condition of the governed. The aristocracy of Freyburg was a close one, like that of Venice; the members of the council of 200, or legislative body, being always chosen out of seventy-one families. Originally the members were chosen from the citizens of the town, classed under four banners or sections, and from the inhabitants of the old districts or territory first annexed to it. By degrees the families called "old bourgeoisie" alone were considered admissible, and lastly, in 1634, the list of these was closed, and all other families excluded for ever from being inscribed among the privileged ones. The council itself filled up its own vacancies. From its members the senate or executive, which consisted of twenty-four members, was chosen, and likewise the avoyer, the chancellor, the burgomaster or chief justice, and the town clerk. Another council of sixty members was also formed out of the great council, and

was called the "council of secrecy;" it had considerable authority, especially with regard to the appointments to office. The mode of election to both the senate and the council of secrecy was called "blind ballot," being left entirely to chance. The names of the candidates for the vacant place were put into a box, containing as many divisions and slits as there were candidates. Each member of the great council threw a ball into one of the compartments, without knowing for which of the candidates he thus voted. He who had the greatest number of balls in his compartment was chosen.

In the year 1781, two landed proprietors of the canton, Chenaux and Raccaud, and a sawyer called Castellaz, from the district of Gruyeres, having sounded their friends in the different country districts, made an insurrection for the purpose of obtaining a share in the legislature. Two or three thousand peasants, badly armed, marched against the town of Freyburg, but the council had closed the gates and armed the militia. Bern sent a body of 300 men to the assistance of the government; and one body of the peasants finding themselves surrounded, having thrown down their arms, the rest fled home. In the flight, Chenaux was killed by one of his own men; Raccaud and Castellaz escaped. Chenaux's head was cut off by the public executioner, and placed on one of the gates of the town. The insurrection being quelled, the burghers of the town, as well as the twenty-four parishes of the old territory, made some temperate remonstrances concerning their perpetual exclusion from the ruling families, and begged to be allowed to look into the state archives for the documents of the original constitution of the country. They were told that the orders and regulations of their own trades and corporations were sufficient for them to know their rights. They then appealed, as the country districts had already done, to the three allies, Bern, Luzern, and Soleure, for their decision. The decision came, and it was in favour of the existing form of government, accompanied, however, by a recommendation that the burthens of the country people should be lowered, and that several abuses should be reformed. This was partly done, and the number of privileged families was moreover increased by sixteen, with the promise that, in future, at the extinction of any of the ruling families, three new ones should be admitted from among the burghers. At the same time some of the more prominent leaders in the late remonstrances were banished the country. This happened in 1782. Freyburg constituted the closest aristocracy, or rather oligarchy in all Switzerland.

At Solothurn (*Gallice* Soleure) the sovereign council consisted of 120 members chosen for life; when a vacancy occurred, a new member was chosen from the same tribe or company of citizens as the late member had belonged to, the choice being made by the alt-rathen or senior members of the senate or executive. This senate consisted of thirty-five

members, taken from out of the body of the great council. The four principal magistrates, namely, the two avoyers, the banneret, and the treasurer, were chosen for life out of the alt-rathen, or senior members of the senate. The whole of the burghers of the town assembled once a-year, and confirmed *pro forma* the appointment of the existing magistrates. All other civil employments, as well as church preferments, were in the gift of the senate, which constituted also the supreme court of justice, civil and criminal.

The legislature of Luzern consisted of a council of 100, the vacancies in which were filled up by open suffrages from the body of the burghers of the town. There was a distinction, however, between patrician and plebeian families. The senate, which was in fact the ruling power, consisted of thirty-six members of the great council, who were all considered as noble, and who filled up vacancies in their own body generally from relatives of the deceased senator. A seat in the senate raised a plebeian and his family to the patrician rank. The appointment of new members by the senate stood in need of no confirmation by either the great council or the burghers. The senate sat constantly, while the great council assembled only upon particular occasions. Appeals from the senate lay to the great council, but this was a mere formality, as the senators, constituting more than one-third of that body, and having at their disposal all the offices and emoluments of the government, could always sway the resolutions of the legislature. All questions, however, concerning war, peace, and alliances, and the imposition of new taxes, were referred to a general assembly of all the burghers.

With regard to the spirit of the government, and the mental condition of the people, Freyburg and Soleure stood lowest among these four aristocracies. "In the thinly inhabited and dull town of Soleure," says Bonstetten, "canonries were the prizes of idleness and of ignorance, there was no encouragement for industry or study, the spirit of political oligarchy was rendered more obtuse by the stationary tendency of Catholicism. At Bern, the reformation and its consequent freedom of thought tempered in some degree the narrowing influence of the aristocracy." At Luzern, Catholic although it was, the same narrowing influence was modified by the neighbourhood of the democracies of the forest cantons, and the ancient connexion of Luzern with them. The breezes which blew over the Waldstätter see could not but clear, partially at least, the mists of prejudices and abuses. Accordingly we find at Luzern occasional bursts of free thought and of sound principles in the midst of much ignorance and superstition; and enlightened views, with considerable information, were to be met with among persons of the higher families. The government was considered mild and equitable, and the people were upon the whole contented. Luzern was the first in rank among the Catholic cantons; it was the residence of the pope's

nuncio, and all affairs relative to religion were transacted there; but the council of Luzern steadfastly resisted any attempts at encroachment from the papal power in temporal matters.

The second class of cantons, the government of which might be called municipal, consisted of Zurich, Basel, and Schaffhausen. The feature which mainly distinguished them from the former was, that the sovereign power resided among all the burghers of the principal city of each canton, who elected the members of both the great council and of the senate, every burgher being eligible to sit in either.

The burghers of Zurich were divided into thirteen tribes, one of which was styled "noble," consisting of persons who did not exercise any handicraft or trade. The legislative council was composed of 212 members, and comprised within itself the little council or executive, consisting of fifty members. These members were returned in equal numbers by the various tribes, excepting the tribe of the nobles, which returned twice as many as any other. Immediately that a vacancy occurred, the burgesses of the tribe to which the late member belonged elected a successor to fill it. Twenty, however, of the places in the senate were filled up by the great council itself, which had also the annual appointment of the two burgomasters, who presided over the senate, and were in power each six months alternately. The senators, although they generally remained for life, were liable to be removed, being subject to an annual confirmation, either by the great council or by the particular tribe to which each senator belonged. The senate was the supreme court in all criminal cases, and there was no appeal from its sentence; it was also a civil court, but with appeal in certain cases to the great council; it had the administration of the revenues, the care of the police, and the right of appointment to all the offices in the state. Every burgher was qualified to vote at twenty years of age, was eligible to the great council at thirty, and to a seat in the senate at thirty-five. The number of the burghers of Zurich was about 2000, and they seldom admitted a new member. These 2000 burghers constituted, therefore, the sovereign power over the whole canton, which contained 150,000 inhabitants. In earlier times the nobles, and a few of the principal burghers, constituted the sovereign authority of the town, and they appointed their successors; but, after the insurrection of 1336, Rudolph Braun classed all the trades and professions into tribes, of which one was reserved for the old patrician families. The artisans of the city, having now obtained votes in the council, carefully excluded all strangers and all country people, not only from any participation in their political rights, but also from any competition in the way of business or trade; they forbade the importation of manufactured goods, and the exportation of raw materials; and they prohibited the exercise of certain branches of industry in the country districts. In 1488, several districts of the canton revolted on account of these restrictions, and the affair was referred to the arbitration of the



other Swiss cantons. The arbitrators decided that the country people should be allowed to exercise certain trades and establish certain manufactures in their villages, though not in the town of Zurich, and that they might cultivate the vine on their lands; that they should elect their local magistrates; and that, in case of new encroachments from the town, two or three parishes might, by means of deputies, petition the general diet of the confederation for redress. This award was agreed to in May, 1489. It was on this occasion that the burgomaster Waldmann, who had forged a decision favourable to the trades of the town, was convicted of this and other offences, and beheaded with several accomplices. The country people, however, remained strictly excluded from all participation in the government, and from all civil and ecclesiastical offices and preferments.

The spirit of the citizens of Zurich is strongly displayed in the whole history of their canton. A great aptitude for business, an activity carried at times to restlessness, a love of independence, a mercantile spirit somewhat grasping, a bravery often rash, a love of instruction with a bias for contention and cavil, liberality without profusion;—these have been the virtues and the vices most conspicuous in the character of the Zurichers. There was a greater spirit of open frank independence in Zurich, and greater liberality of sentiments, than in any other of the large towns of Switzerland. Its magistrates were respected for their justice and integrity, and the other cantons paid a willing deference to their opinion in those matters which concerned the whole confederation. In their domestic dissensions and foreign disputes there have ever been found a vitality and an energy in the public spirit of the Zurichers that have saved them repeatedly from destruction when they seemed to be tottering on its very verge. Arts, sciences, and letters have also found more encouragement in Zurich than in any other town of Switzerland.

At Basel (Basle, Bâle) there was no patrician class, the nobles having been all expelled from the town in 1445. The burghers were distributed into eighteen tribes, from each of which twelve members were sent, to form the great council. Upon a vacancy occurring in the great council, six candidates from the tribe of the late member were nominated by the remaining members of that tribe, and these candidates drew lots for the office. The same practice was followed in electing the sixty members of the senate; and so enamoured were the good citizens of Basle of the lottery system, that not only their councillors and magistrates, but also the professors of their university, were chosen by lot. Three candidates among those who had taken their doctor's degree, no matter in what science, were nominated, and they drew lots for the vacant professorship. The professor elect, if not qualified for his chair, took the first opportunity of changing places with another similarly situated. A spirit of political equality and democratic freedom was more conspicuous at Basle than in any other Swiss city; the meanest artizan was

eligible to the councils and to the first offices of the state. The conduct of the magistrates, also, was freely discussed, and, if need was, severely censured. Although many families were wealthy, yet there was no political exclusiveness in their favour. Once a-year the whole body of the citizens assembled, when the magistrates took an oath to maintain the laws and respect the liberties and immunities of the people, after which the reciprocal oath of allegiance to the magistrates was taken by the citizens in their respective tribes. Nor were these altogether mere formalities; for the tribes of Basle have been known to depose, imprison, and fine their senators for abuse of power: indeed, instances of this occurred especially in 1690-1. At the same time the burghers of Basle were as rigid as any in Switzerland in excluding strangers, and even their own countrymen outside of the walls, from a share of their privileges; and to this cause the decline of the population of Basle has been ascribed. But, although the city of Basle was sovereign over the canton, the disproportion was not so great here as at Zurich, as the city contained nearly one-third of the population of the whole canton.

Schaffhausen resembled Zurich rather than Basle in its constitution; the citizens, amounting to about 1600, were divided into twelve tribes, and from these the members of the great council and senate were elected. The great council consisted of eighty-five members, including the burgomaster or first magistrate, and vacancies in it were filled up by the free suffrages of all the members of the tribes. The burgomaster, the stadtholder, and the two treasurers were appointed by the plurality of voices in the council. Several patrician families having for a time monopolized the authority in the little council, an act of reform was obtained by the citizens in 1689, which restored the rights of the people.

In the three last mentioned cantons the places of councillor and senator, although subject to a yearly confirmation by the citizens, were considered to be for life, except in some extraordinary cases, as already mentioned. The country districts were managed by bailiffs appointed by the towns, which also nominated to the various livings.

The revenues of these three states, Zurich, Basle, and Schaffhausen, were derived partly from national demesnes, partly from tithes, and partly from duties levied on foreign goods, which last was the principal source of the income of Basle and Schaffhausen. Zurich was the wealthiest canton in Switzerland excepting Bern; it had always a surplus in the treasury, and had also investments in foreign funds.

Such were the governments of the Swiss town-cantons,—in some the patrician aristocracy of the chief town, in others a burgher democracy, governing the rest of the country. No new taxes were laid on the subject people, who were kept, however, in a state of political and mental tutelage. Several provincial towns, especially in the larger cantons, enjoyed considerable municipal privileges, electing their local magistrates, and managing their communal property and revenue. It is also well worthy of remark, that even in the more aristocratic cantons, such

as Bern, the law provided that the property of deceased individuals should be divided among all their children.

The administration of the ruling towns was generally orderly, economical, and mild. The salaries of the magistrates were extremely moderate, and their conduct was generally honourable and disinterested; the only means of acquiring any degree of wealth were the offices of bailiff or foreign service. The judicial system was very imperfect, the penal code in many respects barbarous, and the course of criminal investigation inquisitorial; nevertheless, few acts of oppression occurred, except in times of political disturbances. Public education was sadly neglected in the country districts; these, however, were rapidly advancing in wealth, as the fine villages on the borders of the lake of Zurich, and the aspect of the farmers' houses in the canton of Bern, plainly attested. The roads and bridges were kept in good repair, and fine public buildings were raised in the principal towns.

The third class of cantons consisted of the three Waldstätten, and of Zug, Glarus, and Appenzell. All these were, and continue to be, pure democracies. The legislative power is exercised directly by the people at large, assembled in *landsgemeinde*, or general parliament of all the males of the canton who have attained the age of sixteen. They meet generally once a year, sometimes oftener as the occasion requires, and in the open field; and they there elect or confirm, by open suffrage, their landamman and other magistrates, and the deputies to the federal diet; they make or abrogate laws; fix the expenditure for the year, and provide the supplies; decide upon other state matters, such as peace, war, and alliances, in short upon all affairs that are, in the town-cantons, laid before the legislative councils.\* These assemblies consist of from 4,000 to 8,000 men; and it may be easily imagined that such large meetings of sovereign peasants do not always terminate peacefully, and that questions are sometimes decided among them by the argument of physical force. Yet these people (as will be seen in the sequel of this history) are extremely attached to their primitive form of government, impracticable as it is in larger and more populous states, and in a more refined and artificial state of society. Small communities, where each individual is known to the rest, and every man's character and conduct are daily open to public scrutiny; where but little inequality of condition or fortune prevails; where almost every man is a peasant or a shepherd, and no one is destitute of means of support; where habits, manners, dress, and opinions remain the same generation after generation; where the valleys lie encircled one half the year by an impassable zone of snow and ice, and where people live and die unconscious of the stirring events that are taking place beyond the limits of their visual horizon; where there are no newspapers and hardly any books printed—to such a country

\* Ramond, the French translator of Cox's 'Letters on Switzerland,' to which he made many important additions, gives an interesting account of a meeting of the *landsgemeinde* of the canton of Glarus, at which he was present. '*Lettres sur l'état politique, civil, et naturel de la Suisse* Paris, 1788.

the simple forms of democracy seem well adapted. With the exception of part of Glarus and of Appenzell, the democratic cantons are strictly Roman Catholic. Each canton is divided into districts or communes, which appoint the members of the landrath, or executive council; this body is presided over by the landamman, and it exercises both the administrative and judicial functions,\* the division of powers being little understood, and ill defined in these republics. The same individual, who has given his judgment as a local magistrate or in a primary court, will indeed often be found sitting afterwards in the court of appeal or landrath, and will there have to revise his own sentence. It would appear also that the nomination to offices is in ordinary times under the influence of a few wealthy families in each canton, and that the members of the landrath and the magistrates, with the exception of the landamman and his *statthalter*, or lieutenant, whose duration of office is fixed, may be considered as elected for life, unless they should render themselves obnoxious to the people, in which case the power of the democracy, although slumbering at intervals, is easily aroused, and the resolutions of the *landsgemeinde* are peremptory and irresistible.

Two of the democratic cantons, although singly represented in the federal diet, are divided for their internal administration, each into two distinct states; Unterwalden is divided into Obwalden and Nidwalden, and Appenzell into interior and exterior Rhodes, the latter distinction being a consequence of the diversity of religion. Glarus, although the population consists both of Catholics and Protestants, has preserved its unity, and affords the most striking example in Switzerland, if not in Europe, of perfect Christian toleration. In some villages, as we have already said, the same temple serves for both forms of worship.

Such were the various forms of government of the thirteen cantons before the French invasion. Their allies exhibited a still greater variety of political constitution. The government of the Grisons was a confederation in miniature, in which pure democracy and the representative system were united. The whole country was subdivided into about sixty small communities or valleys, each forming a distinct republic, having its general assembly of all the men, who appointed their local magistrates, and administered their own internal affairs as independent states. Each, however, returned a deputy to the general diet of the three leagues, which met every year in September in one of the three capital towns, Coire, Davos, and Ilantz, where the general affairs of the confederation were discussed. Here the same remark that has been made with regard to the forest cantons applies in a stronger sense to the Grison communities. A few families, or individuals superior in intelligence or wealth to

\* At Schwytz there was, and perhaps is still, a primitive institution, called the *street court*, a sort of extempore jury. The *gross weibel* or lieutenant of police, on receiving a complaint, summoned together the first seven competent persons he met in the street, who heard both parties on the spot, and delivered their verdict. Their jurisdiction was limited to sums not above fifty florins.

their brother mountaineers, influenced the return of the deputies to the diet, and the latter often gave their votes without consulting the interest or the wishes of their constituents, notwithstanding the democratic institutions of the country. The history of the Grisons has proved this abundantly. The Grisons were confederates or allies, but not associates of the Swiss cantons, and therefore sent no deputies to the diet of the latter.

The Valais was divided into ten districts, called *dizains*, seven of which, forming the German or Upper Valais, were sovereigns over the three Lower districts, having conquered them in 1475, after a bloody struggle. In the subject districts the French *patois* is spoken; and the river Morge below Sion was the boundary between them and the sovereign districts. Of the latter, six *dizains* were pure democracies, like the Grison communities, each administering its own internal affairs, whilst it returned deputies to the general diet. The *dizain* of Sion was an aristocracy, governed by a burgomaster, and a council of twenty-four members. The diet of the Valais, called *landrath*, consisted of the bishop of Sion, the captain-general, and the deputies of the seven sovereign *dizains*, in all nine votes. It met twice a year at Sion; it decided upon all matters concerning the whole state, appointed bailiffs to the subject *dizains*, received appeals from the courts of the *dizains* in cases of importance, confirmed the *lands-hauptmann*, or captain-general of the militia, or named another in his place, and upon the decease of a bishop, it chose his successor out of a list of four candidates named by the chapter of Sion out of their own body. The bishop of Sion was formerly sovereign of the greater part of the Valais, but the inhabitants, after several insurrections, reduced his power in the fifteenth century, and he remained a sort of nominal prince, having a vote and some influence in the diet, all public documents running in his name, and the coin bearing likewise his name, with the arms, however, of the republic; he had also the power of pardoning criminals. The six democratical *dizains* were extremely jealous of their liberties, and more watchful than the Grison communities over the conduct of their deputies to the diet, giving them instructions resolved upon by the general assembly of the people, with strict orders not to depart from them. The Valais was an ally but not associate of the Swiss cantons, to whose diet it sent no deputies.

The abbot of St. Gall has been often mentioned in the course of this history. He was a titular prince of the German empire, and was chosen by the Dominican monks of the abbey, out of their own body. His territory, after the loss of the city of St. Gall and of Appenzell, consisted of the old abbey territories, *alle landschaft*, and of the Toggenburg. His limited jurisdiction over the latter has been already described. In the old territory, containing 45,000 inhabitants, the dominion of the abbot was monarchical and absolute, excepting certain municipal privileges which the towns enjoyed. The principal towns were Wyl and Roschach, the latter being on the lake of Constance. The abbot used to

send a deputy to the federal diet of the Swiss. The city of St. Gall enjoyed the same privilege, both being *socii* of the confederation. The city was surrounded by the territories of the abbot, whilst the abbey itself stood within the city, and was surrounded by walls and ditches. The government of the city was a mixture of aristocracy and democracy.

The town of Bienne was, like St. Gall, a member of the confederation, and sent a deputy to the federal diet. The titular bishop of Basle, who should rather be called prince of Porentru, was the high sovereign of Bienne, and had the appointment of its mayor, who presided over the little council or executive and the chief court of justice, but without having himself any vote. Neither the Prince-bishop, nor his representative, had any share of the legislative power, which resided in the great council. Each council supplied vacancies occurring in its own body; the councils jointly imposed taxes, contracted alliances, and exercised in short all the rights of sovereignty, while the bishop merely lent his name to all public acts, and received a civil list of about 300*l.* a year. The town of Mulhausen in Alsace, although it had at one time been an associate, lost, in 1586, its rights of suffrage in the Swiss diets, in consequence of disturbances among its citizens. It was still, however, considered as a confederate. The principality of Neuchâtel and Valengin, which was a confederate though not an associate\* of the Swiss cantons, was, and is still, governed by the king of Prussia as a limited monarchy. The house of Brandenburg succeeded to the sovereignty, in 1707, by the vote of the states of Neuchâtel, and as the nearest akin to the former counts of the house of Chalons; the succession being confirmed by the treaty of Utrecht. The constitution of this little state was extremely complicated, the legislative authority resided jointly in the prince, represented by a governor in the council of state nominated by him, and in the council of the town of Neuchâtel. The consent of the three master burghers of the town of Valengin was also required to the enactment of any new laws. The "three estates," as they are called, of Neuchâtel were not a representative but a judicial body, and constituted the superior tribunal of the country; they were composed of twelve judges, being four counsellors, four *châtelains* of the country districts, holding their places for life, and four councillors of the town of Neuchâtel appointed annually. The estates proposed the laws, which being approved by the council of state, the council of the town, and the prince, were then promulgated. The town of Valengin had also its estates, but their functions were merely judicial, they having no share in the framing of the laws. The council of state, above mentioned, formed the executive or adminis-

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trative power of the country, but every ordinance it issued was previously laid before the councils of the towns of Neuchâtel and Valengin, who certified that it contained nothing contrary to the laws and privileges of the country. The town of Neuchâtel had its great and little council, its own magistrates and police; some of the magistrates being chosen by the general assembly of the citizens. The whole of these powers and their attributes are described in detail by Coxe, in his letters on Switzerland, who speaks very highly of the liberty and security enjoyed by the people of this little principality. Frederic the Great behaved in a most liberal manner towards his subjects of Neuchâtel. He not only confirmed but extended their privileges, he authorized the formation of a representative council by the different communes, he improved the judicial system, and Neuchâtel, under him, became, and has since continued to be, one of the most happy and thriving states in Switzerland. Unrestricted commerce, the absence of all duties on either importation or exportation, thriving manufactures, security for persons and property, the faculty which the inhabitants enjoyed of following whatever trade, and of settling where-soever they pleased, together with that of serving in the armies of any power, even though it should be at war with Prussia, from whose states this principality was considered as totally distinct—all these advantages placed Neuchâtel in a truly enviable position; and the more so since the protection of a powerful monarch ensured respect from other states, and the markets of the Prussian cities were open to its manufactures, on the same footing as those of other Prussian subjects. They enjoyed all the security of a monarchical government, without any of its burthens, and the freedom of a republican state without its turbulence. The revenues of the sovereign, amounting to 5,000*l.* a year, are derived from the demesnes and a small land tax. In consequence of these circumstances, the district is now one of the richest and most industrious in Europe; its valleys of Locle and La Chaux de Fonds, which a century since were covered with forests, are become one vast manufactory of watches, clocks, and jewellery; numerous looms for muslins and calicoes are at work at Boudry and other villages; and merchants from Neuchâtel are to be found in almost all the great commercial towns and harbours of Europe. The whole population of Neuchâtel amounts to 50,000 inhabitants.

The republic of Geneva was only a confederate of the two cantons of Bern and Zurich. This little state has been the scene of so much agitation and civil contention during the eighteenth century as to have acquired the character of being the most turbulent republic of modern times. The more opulent families, who had taken possession of the councils, and confirmed or elected the members, separated themselves from the rest of the citizens. They took up their residence in the upper part of the city, while the people engaged in trade or business remained in the lower town, where they had their warehouses and shops. Among these a spirit of jealousy and dissatisfaction was thus generated, and it was increased

by the number of French and other refugees who resorted to Geneva, to avoid religious persecution. Still the general assembly of all the citizens and burghers was convoked occasionally, and was acknowledged, in principle at least, as the sovereign power in the state. The citizens were those sons of citizens or of burghers who were born within the walls of Geneva. The burghers were either the sons of citizens or of burghers born abroad, or inhabitants who had purchased the burghership. The citizens and burghers together, who were above five-and-twenty years of age, and as such entitled to vote, amounted to about 1,500. They chose the principal magistrates out of a list of candidates presented by the senate and great council. The latter, or council of 200, and the senate of twenty-five elected each other reciprocally, as in the aristocratic cantons of Switzerland. In order to restrain their authority, the assembly of the citizens, in 1707, after much disturbance, in which blood was shed, and one citizen of the popular party, named Fatio, was executed and others were exiled, procured a law enacting that every five years a general assembly should be convened to deliberate upon the affairs of the republic. But at the very first assembly—thus convened in 1712—the magistrates contrived to obtain a majority of suffrages for the abolition of the above ordinance. Deception as well as undue influence was said to have been employed in order to bring about this singular act of political suicide,\* which gave nearly absolute power to the senate, and enabled them to issue edicts at their pleasure. A new tax, which they imposed for the construction of a regular line of fortifications round the city, was a source of fresh troubles. In the course of these Micheli Ducrest, one of the popular leaders, was obliged to leave Geneva. After many years spent in France he went to Bern, where he was allowed to remain under a sort of arrest; but having tampered in Henzi's conspiracy he was shut up in the castle of Aarburg, where he lived to an advanced age, beguiling his confinement by the study of natural philosophy and the construction of barometers and thermometers, which went by his name.

After several years of disturbances, in which either party by turns gained the ascendancy, a convention was made, in 1738, through the mediation of France, Bern, and Zurich, which determined the basis of the Genevan constitution. It secured the annual meeting of the general assembly, who were to confirm or replace the principal magistrates, and discuss state matters laid before them by the council. Some time afterwards a sentence passed by the senate against Rousseau's *Emile* and *Contrat Social*, as containing passages derogatory to the Christian faith and to social order, led to another civil dissension. The popular party contended that the sentence was illegal, and that the question ought to be referred to the general assembly. The senate and council maintained

\* See Rousseau's "Lettres Ecrites de la Montagne," on the subject.

their right of putting a negative or *veto* upon the discussion. Hence arose two parties, the *Négatifs* and the *Représentans*. The latter, in 1768, succeeded in obtaining an enactment that the general assembly should fill up one-half of the vacancies in the great council, and should be authorized to displace annually, if they thought fit, four members of the senate. The right of *representation*, or petition, was secured to every citizen or burgher. This was a signal advantage gained by the popular party, and it led to a pacification between the whole body of citizens and burghers and the magistrates. But now another class of people, called *Natives*, being those who were born at Geneva of originally foreign families and had not purchased the burghership, claimed also a share in the government. This class had become very numerous in course of time. They were opposed, however, by the citizens generally, and having broken out into open insurrection, were put down by force, in 1770. Some perished in the affray, others were banished.

The government of Geneva, as settled by the pacification of 1768, consisted of a great council, a senate, and the general assembly. All laws were proposed by the senate, discussed in the great council, and then laid before the assembly of the citizens, who approved of them or rejected them by majority of suffrages, but without discussion. The senate had the executive power, administered the finances, and had the privilege of conferring, under certain conditions, the right of burghership, which was rendered more accessible than before. The principal magistrates, such as the four syndics, were chosen from among the senators. The senate also appointed\* to one-half of the vacancies in the great council, who in their turn filled up vacancies in the senate. The general assembly approved or rejected the proposed laws, imposed taxes, declared war or peace, and contracted alliances.

In 1781, new disturbances arose between the Negatives and the Representatives on the subject of the publication of a code of laws, which was either opposed or delayed by the former, who had a majority in the councils. The Natives soon joined in the contest, which broke out into an open insurrection in March, 1782. The principal magistrates and senators were arrested, others ran away, and the whole city was in a state of confusion. France, Bern, and Zurich, as former mediators, and even the king of Sardinia, marched troops towards Geneva; to whom the inhabitants, distracted by their dissensions, opened their gates. A reaction now took place, the leaders of the Representatives escaped in boats by the lake, and the Negatives had complete sway; all citizens who had taken part in the disturbances were excluded from the general assembly, which being thus reduced to less than one-half its proper number, and awed by the presence of foreign troops, abandoned most of the rights recognized by the convention of 1768, and vested nearly absolute authority in the councils. The militia was disbanded, and a foreign garrison introduced in the pay of the state. This event, although

it immediately resulted from the overbearing interference of France and Savoy, was brought about in the first instance by the rashness of the popular party, who had not patience to wait for the sure though slow operation of the right of election, which they had won in 1768, and by means of which the senate and council would have become filled by degrees with members of their nomination.

Among the Genevan emigrants, of 1782, some went to Paris, where they afterwards became connected with the Girondins, and as such figured in the first stage of the French revolution, others settled as merchants in various towns of Italy, Holland, and other countries. A certain number of them, at the head of whom were Chalons and Claviere, proposed to go and settle in Ireland. A memorial signed by above 1,000 individuals was presented to the Lord-Lieutenant, Earl Temple, praying that a spot might be assigned to them to form their colony. This petition was well received; and in September, 1782, being submitted to the Privy Council at Dublin, it was acceded to, and afterwards received the assent of George III. The Irish parliament voted 50,000*l.* for defraying the preliminary expenses, and building a town for the colonists. The site chosen for the purpose, consisting of twenty-seven acres of crown land, was near the mouth of the river Suir, about eight miles from Waterford and nearly opposite Duncannon. A deputation of the emigrants proceeded to Waterford in July, 1783, to superintend the building of the new town, which was called New Geneva. The buildings soon began to rise, and assume the appearance of a city, 30,000*l.* had already been expended on the spot, when the whole scheme was suddenly abandoned, from causes which have never been entirely cleared up. It was said that the Genevan emigrants demanded too many privileges in the articles of their charter, and that the corporation of Waterford became jealous, and wanted to extend its jurisdiction over the new colony. At the same time the recall of Earl Temple, from Ireland, contributed greatly to the failure of the scheme, of which he had been the principal patron. The emigrants, by an address presented to his successor, the duke of Rutland, signified their intention of relinquishing the project. The buildings of New Geneva remained unoccupied for years; until they were used as barracks in the beginning of the war. The demesne was afterwards sold, the houses were pulled down, and few traces of the projected colony are now to be seen.

In 1789, a fresh insurrection compelled the magistrates to re-establish the elections and other rights of the general assembly upon the footing of the convention of 1768. All the exiles were recalled, and all natives whose families had resided in Geneva during four generations were admitted into the class of burghers. Things remained in this state until the example of the French revolution brought about a fresh catastrophe.

The history of these miniature convulsions and revolutions, of which the mere outline is here given, is very interesting and instructive. A full

account of them may be found in Sir Francis d'Ivernois's "Revolutions of Geneva in the eighteenth century."

Besides the above associates and confederates of the Swiss, there were some other districts only partially allied to particular cantons. The citular bishop of Basle was possessed of a considerable territory, including the districts of Delemont and Porentru, which he governed as a monarch, and the valleys of Erguel and Montiers which enjoyed certain franchises, in which they were guaranteed by being cobourghers of Bern. The bishop himself was allied to the Catholic cantons alone.

The abbot of Engelberg was absolute lord of a mountain tract round his abbey in the Alps, between Bern and Unterwalden, containing about 4,000 inhabitants, and was allied to the forest cantons.

Lastly, the diminutive republic of Gersau, on a slip of land on the northern bank of the Walstätter see, and numbering 1000 inhabitants, was also under the protection of the forest cantons. It was the smallest state in Europe, San Marino not excepted. Gersau was a democracy with an assembly of all the citizens, and it had its landamman, its land-rath or council, its court of justice, and its militia.

The whole population of the thirteen cantons was rather under 1,000,000, that of their subjects was about 250,000, and that of their associates and confederates, and the subjects of these confederates, amounted to nearly half a million more; altogether, the territory belonging to the Helvetic federal body, towards the close of the last century, contained about 1,700,000 inhabitants. Durand's statistical tables, which have been quoted by Planta and others, are evidently inexact, some of the numbers are too high; for instance, he gives 150,000 inhabitants to the Grisons, besides 100,000 for the Valteline, while the Grisons did not then number above 73,000 or 74,000 inhabitants, and now hardly attain 96,000;\* and the Valais is rated at 100,000 inhabitants, while its population does not amount to 70,000.

The subjects of the Swiss were either subjects of certain particular cantons, or common bailiwicks, subject to all the cantons. The following is a table of them:—

\* Leresche, *Dictionnaire Géographique Statistique de la Suisse*, Lausanne, 1836-7; the latest statistical work on Switzerland.

Bailiwicks.	Popula- tion.	To whom subject.
Val Levantina or Livinen thal	9,000	Canton of Uri.
Bellinzona . . . . .	9,000	Uri, Schwytz, and Unterwalden.
Val di Blegno or Polenzerthal	8,000	Ditto ditto.
Riviera or Polese . . . . .	4,000	Ditto ditto.
Lugano . . . . .	26,000	All the cantons except Appenzell.
Locarno . . . . .	17,000	Ditto ditto.
Mendrisio . . . . .	15,000	Ditto ditto.
Val Maggia . . . . .	6,000	Ditto ditto.
Thurgau . . . . .	60,000	The eight old cantons.
Sargans . . . . .	12,000	Ditto.
Rheinthal . . . . .	18,000	{ The eight old cantons, with Appenzell.
Gaster and Uznach . . . . .	9,000	Schwytz and Glarus.
County of Baden . . . . .	16,000	Zurich, Bern, and Glarus.
Frey Amten or free baili- wicks . . . . .	20,000	Ditto ditto ditto.
The two towns of Mellingen and Bremgarten . . . . .	5,000	Ditto ditto ditto.
Morat . . . . .	8,000	Bern and Freyburg.
Granson . . . . .	9,000	Ditto ditto.
Orbe et Echallens . . . . .	11,000	Ditto ditto.
Schwartzenburg . . . . .	10,000	Ditto ditto.

The Valtelina, and the counties of Chiavenna and Bormio, with a population of about 70,000 inhabitants, were subject to the Grison leagues.

The Aargau, with the exception of the Frey Amten and the towns of Mellingen and Bremgarten, formed part of the canton of Bern, as well as the Pays de Vaud, with the exception of Morat, Granson, and Orbe, which were possessed by Bern and Freyburg jointly.

All these subject territories were governed by bailiffs, sent by each of the ruling cantons in rotation. These bailiffs, unless restricted by the local privileges of particular districts, acted as the representatives of an absolute sovereign; they had jurisdiction in civil and criminal causes with some limitations, and a fixed revenue arising from different duties and taxes. Once a-year several deputies from the ruling cantons formed themselves into a syndicate, examined the accounts of the public revenue delivered by the bailiffs, heard and decided on appeals, &c. In important cases another appeal lay from this court to the superior tribunal of each of the cantons to which the bailiwick belonged. But, notwithstanding all these precautions, many complaints against the bailiffs were never redressed. These bailiffs must not be confounded with those who were sent by the towns to the various districts forming integral parts of each canton, and whose authority, especially in judicial matters, was

much more limited. But the bailiffs sent to the subject and distant bailiwicks had or assumed all the authority, administrative, judicial, and military. Of all the subjects of the Swiss, the Italian valleys were the worst governed, and in these it was remarked, as we have before said, that the bailiffs sent by the forest or democratic cantons were the most arbitrary and oppressive, leaving behind them when they crossed the Alps their unassuming simplicity, and becoming imperious and grasping proconsuls. The office of bailiff was, in fact, sold by the forest cantons to the highest bidder, who of course reimbursed himself by exactions on the inhabitants, and often by selling justice; whilst at the same time appeals to the democratic cantons led seldom to any satisfactory result. The complaints of the subjects, however, were not always grounded on justice and truth. The Val Levantina, which lies to the south of the St. Gothard and along the banks of the river Ticino, had been for ages subject to the canton of Uri, indeed ever since the wars of the Swiss against the Visconti dukes of Milan. It enjoyed considerable privileges, guaranteed by the act of cession of its former masters. Uri drew from the valley some trifling taxes, and a toll upon the transit of goods. The people of the valley held their assemblies, and elected their local magistrates and council, subject, however, to the higher jurisdiction of the sovereign canton, which appointed a bailiff and a receiver of the duties. Some natives of the valley had been guilty of peculation in their capacity of guardians to orphans and widows, and complaints were forwarded to Uri, whose council ordered the accused to produce their accounts. The persons thus summoned, seeing no other means of extricating themselves from their dangerous position, excited an insurrection among their countrymen, under the pretext of obtaining their independence, of freeing themselves from the taxes, and of keeping the produce of the toll for the inhabitants of the valley. This was in the beginning of 1775, at a season when, the country being covered with snow, the peasants had ample leisure for congregating and listening to the agitators. They arrested the bailiff from Uri and the receiver, and they invested their own council with the supreme judicial authority. The canton of Uri summoned the insurgents to return to their allegiance, but they answered by assembling in arms at the foot of the mountains towards Uri. The militia of Uri, being joined by a contingent from Unterwalden, crossed the St. Gothard, and occupied all the passes of the valley; and the insurgents, hearing that the other cantons had united against them, were panic struck, and returned to their homes. The leaders, however, were seized; and the people of the valley, being convened in the plain of Faido to the number of 3,000, were surrounded by the troops of the confederates, and the sentence from Uri was then read to them, by which they were deprived of all their privileges, and were ordered to swear unconditional obedience to the sovereign canton. This being done, they were made to kneel down with their heads unco-

vered, whilst the public executioner struck off the heads of Furno, Urs, and Sartori, the three principal leaders of the revolt. Eight more of the insurgents were led into Uri and there beheaded. This terrible example scared the spirit of insurrection ever after.

The federal bond which united the various cantons and their allies was very loose, and far different from that which connected together the United Provinces of Holland, or even from the federal compact of the United States of North America. There was not in Switzerland any permanent sovereign body, no standing federal magistrate equally acknowledged by all, no central government having its own establishment, its own treasury, its own servants, civil and military. The general diets could not decide upon any important question, unless it had been previously debated and decided on in the councils of each of the cantons, who were applied to by their own deputies for fresh instructions at every new case which was brought before the diet. The cantons were not even each allied to all. The eight older cantons had among them a federal compact for their common defence, and even of these eight the five first only, viz., Zurich, Schwyz, Uri, Unterwalden, and Luzern, were bound to enter into no other alliance without each other's consent, while the other three, Glarus, Zug, and Bern, were at liberty to form alliances with other states or foreign princes, provided such alliances contained nothing prejudicial to the federal bond. The eight cantons were also bound, by the convention of Stanz, to assist one another in supporting the form of government established in each of them.

The five junior cantons, viz., Fribourg, Soleure, Basle, Schaffhausen, and Appenzell, had no federal bond with the whole of the rest, nor among themselves, but every one of them was allied to some one or more of the others. The three forest cantons alone were allied to every one of the other cantons. By these means, however, the guarantee of common defence was secured to each; for, as any canton attacked had the right of calling some other cantons to its assistance, and as these were entitled to call others, all would be brought in to take a part, in virtue of their particular bonds.

The general diets of the confederation were either ordinary or extraordinary. The ordinary diets met once a-year at Frauenfeld in Thurgau, instead of Baden, where, until the treaty of Aarau in 1712, they had been accustomed to meet. The deputy from Zurich presided: he brought forward the matters to be discussed, collected the votes, framed the resolutions, &c. Each canton or associate had one vote, and questions were decided by a simple majority. The sittings were held with closed doors, and at the end of the session the deputy of Zurich drew up a statement of the decisions of the diet, of which he sent a copy round to each canton. The principal business of the diet was to hear appeals from the common bailiwicks, and to inspect the accounts and inquire into the conduct of the bailiffs.



Extraordinary diets were assembled at the request of any particular canton, or of any of the foreign ministers in case of urgent business. In such a case the canton of Zurich summoned the other cantons to send their deputies to Frauenfeld, or any other place fixed upon, acquainting them at the same time with the nature of the subjects which were to be discussed, in order that the cantonal governments might give instructions to their deputies accordingly. The foreign minister, at whose request an extraordinary diet was convoked, was bound to pay the expenses of the deputies who were thus called from their homes at an unexpected season.

The partial diets were held by the Protestant cantons at Aarau, and by the Catholic ones at Luzern. There was no fixed time for their meeting, but they were summoned as the occasion required it.

A regulation, called "the defensional," was agreed upon at a general diet held at Baden in 1668, for providing against sudden emergencies, such as an attack from foreign powers, when the proceedings of the diet would have proved too slow for the common safety. In such a case deputies were to be named by all the members of the Helvetic body, and invested with full powers to direct the military force of the nation, which was to be raised by contingents from the militia of each state. This body consisted of 9600 men for the thirteen cantons, 1400 for the associates, and 2400 for the subject bailiwicks,—in all 13,400 men; which number, however, might be doubled and trebled if required.

The militia of each canton consisted of all the males from sixteen to sixty years of age, and these received military instruction at certain epochs. Only one-third of the whole, however, consisting of the youngest and strongest, were enrolled into regiments, the other two-thirds supplying them with recruits if necessary. The regiments were divided into fusileers and electionaries, the fusileers being all young unmarried men, who were considered as always ready to march at a moment's notice; the electionaries were composed of the married men, of an age and size proper for service, and these were called out after the fusileers. When in active service they received regular pay; but every man was bound to provide his own uniform, arms, and accoutrements.

The Swiss, it is well known, furnished troops to several European powers, according to certain treaties or capitulations, as they were called, agreed upon between those powers and the various cantons. The chief power having Swiss troops in its service was France, which had retained them ever since the treaty made between the Swiss and Louis XI. See pages 94 and 101. Under Louis XIV. the number of Swiss troops in the French service amounted to 28,000 men; but, in 1790, at the beginning of the French revolution, there were not more than 15,000, who were divided into twelve regiments. Six Swiss regiments were in the service of Holland, four were serving in Piedmont, four at Naples, and four in Spain: the pope had also a small body guard of Swiss. The

cantons from which the regiments were drawn received an annual subsidy from the power for whose service they were raised. The capitulation of each regiment was for a certain number of years, after which the officers retired on full pay. The regiments were raised by the colonels, who received a stated remuneration, and were proprietors of the corps. The soldiers were all volunteers, and received enlistment money.

Switzerland is not the only country in which the practice of enlisting volunteers for foreign powers has been in use; the principal difference is that in Switzerland several of the cantonal governments were parties to the arrangement, and derived a profit from it, whilst the other European governments have either forbidden the practice, without, however, succeeding in preventing it altogether, or have tolerated without countenancing it; and, in fact, it would be impossible to prevent the natives of any country from entering the service of another, if they so list; the only just reservation seems to be that they should on no account bear arms against their native land. It has been said by the apologists of the Swiss system of foreign recruiting, that the interference of the cantonal governments in a practice which they could not possibly have prevented (for it is well known that, in spite of all their prohibitions, in the times of Louis XII. and Francis I. thousands of Swiss went to join the French armies in Italy, while as many went to serve the opposite party), was in fact beneficial to the men, inasmuch as it secured to them the fulfilment of their capitulations; whilst it preserved in the cantons the right of recalling their respective regiments in case of an emergency at home, or in case the power under which they were serving behaved hostilely towards the Swiss confederation. On the other hand, there has been considerable misconception abroad upon this subject; the cantons have been represented as selling their countrymen as if they had been cattle, while the truth is that the men were not sold, but enlisted of their own accord for a certain period of time, receiving the bounty money.

As long as there are powers that will give a bounty to foreigners who choose to enlist in their service there will be found people, not only in Switzerland but in every country, ready to accept of that reward, and it is impossible to conceive any law sufficiently stringent to prevent them. But the system of foreign recruiting in Switzerland was too extensive and too much encouraged by the cantonal governments not to deserve peculiar animadversion, as being a source of corruption to all classes of the people.

An instance of the evil effects resulting from the system which prevailed in several Swiss cantons of receiving pecuniary subsidies from foreign powers, on condition of supplying those powers with mercenary troops, occurs in the history of Zug in the eighteenth century; and an account of the transactions which took place there will serve at the same time to exhibit a picture of the social state of those little democracies, in which, as in most other democracies ancient and modern, the influence

of certain families and their clients gave rise now and then to turbulent factions, and destroyed the individual liberty and security which are supposed to constitute the essence of a popular form of government.

The canton of Zug was divided into four districts, of which the town of Zug and its immediate territory formed one. The landamman was chosen by turns from each of the four districts, but some of the old families of the canton had found means to monopolize, or at all events greatly to influence most of the votes in the council of state, the members of which, as has been already observed, were generally allowed to remain in office for life. Among these families were the Zurlauben, who were not only one of the principal families of the canton, but also enjoyed considerable favour with the court of France, partly on account of the military services which several of its members had rendered to that power, and partly because it supported in the councils of Zug the alliance which existed between the canton and France. The subsidies paid by France to Zug, according to the stipulations of the alliance, as well as the money sent to be secretly distributed among the supporters of French interests, passed through the hands of the Zurlauben. The same family had farmed the monopoly of the salt, which the government of the canton drew from Burgundy and retailed to the people at a considerable profit. There was a party, however, hostile to the Zurlauben, and consequently hostile to the French connexion also. At the head of this party stood Anthony Schumacher, a man of talent, but violent and ambitious. He wished to have the farm of the salt himself, as he was concerned in the trade of so much of that article as was drawn from the mines in the Tyrol. He began by casting suspicions on the honesty of his antagonists in their administration of the farm, as well as in their distribution of the French subsidies, which he contended ought to be divided equally among all the citizens. The turn for electing a new landamman having come to one of the country districts, the people elected to the office one of Schumacher's party, who instituted proceedings against the former landamman and several of his friends on charges of malversation. Several of the accused ran away and were banished for life, and their property was confiscated, in 1728. Schumacher himself being elected landamman, in 1731, annulled the alliance with France, that power having refused to remit its usual subsidies to be distributed among all the citizens. A persecution now began against the French or Zurlauben party, who were styled the *soft*, by the partizans of Schumacher, who were favourers of the Austrian alliance, and who were called the *hard*. Schumacher having formed a new landrath or council of state from among his friends, enforced the most arbitrary measures, filled the prisons with persons of the *soft* party, some of whom were executed, others were condemned to the pillory, and others were sentenced to wear for a twelvemonth a red worsted cap as a mark of infamy. Schumacher raised troops in order to repress the discontent which these measures excited, the gates of the town of Zug

were regularly guarded and closed at particular hours by his order; in short, he established a system of terror which he supported at a considerable expense to the country. At the expiration of Schumacher's period of office, the people, weary of the rule of his faction, chose as his successor a man of different sentiments, who was favourable to the party of the exiles, many of whom returned home. Some months afterwards Schumacher, having given in his accounts, was charged with mal-administration of the public revenue, his name was erased from the list of counsellors, and he was thrown into prison with several of his friends. A general reaction then took place against the *hard* faction. Schumacher being convicted, probably with as little regard to the forms of justice as he had himself shown towards his enemies, was led to the scaffold in March, 1735; but having begged for his life, he was condemned to hard labour, and died seven months afterwards.

Zug renewed its alliance with France, but new troubles having taken place concerning the application of the subsidies, the other cantons were obliged to interfere, and it was stipulated that the sums paid by France should in future be distributed amongst the citizens.

The criminal laws of Switzerland were founded on the Caroline code, or code of Charles V., with modifications and additions in several of the cantons, which had their own statutes and customs. The judicial legislation in general was in a very defective state. The principle that the confession of the criminal was requisite in capital cases, and the practice of the torture, which was a derivation of the same principle; the custom of appointing special commissioners to judge of particular cases; the too great discretionary power given to the judges; the union of political and judicial attributes in the same individuals; these and other anomalies disfigured the administration of justice. In many cases, especially in the democratic cantons, the penalty of banishment, which to some individuals may be a very severe one, while to others it is hardly any penalty at all, was resorted to for the sake of economy, in order to save the expenses of keeping the prisoners in confinement. The unjust practice of confiscation likewise prevailed. In ordinary times cases of flagrant injustice were rare, owing to the principles of honesty and justice which form a part of the national character, but when civil dissensions had excited violent passions, acts of judicial partiality and oppression were by no means rare, as the above narrative of Schumacher and other similar instances, which may be found in the history of almost every canton, amply prove.

The sciences, and especially natural philosophy and mathematics, were successfully cultivated in Switzerland during the eighteenth century. The names of Bernouilli, Euler, Weiss, and Iselin, at Basle; Lavater, Gesner, and Hirzel, at Zurich; Haller, at Bern; Bonnet, Saussure, and Deluc, at Geneva; Muller, at Schaffhausen; and many more who could be mentioned, prove that Switzerland contributed its full share towards

increasing the stock of European learning during that period. The acute and eloquent though wayward J. J. Rousseau must not be omitted, for he was a native of Geneva, though he lived and wrote mostly away from his country. Another additional glory of the Swiss philosophers is that they were, with the exception of Rousseau, moral men and religious without bigotry. The Helvetic society, which was instituted in 1761, constituted an assembly of all the most enlightened men in the country, who met once a year for the purpose of discussing not only scientific subjects, but also matters connected with the encouragement of sound public and private morality, of education and useful industry, and especially of improvements in agriculture.

Such was the state of things in Switzerland in the eighteenth century, a state of things in which, after making due allowance for all the evils and imperfections of the political system, there was still enough of good left in the social and domestic condition of the people to entitle their country to be called one of the happiest in Europe.

The chief authorities for this 5th period are the following :—Mallet, *Continuation de l'Histoire des Suisses de I. Müller*. Stannyan, *Account of Switzerland*, 1714. Wm. Coxe, *Sketches of the Natural, Civil, and Political State of Switzerland, in a series of letters*, 1778. Béranger, *Histoire de Genève*, 1772. Leu, *Lexicon Helveticum*. Füssi, *Erdbeschreibung der ganzen Helvetischen Eidgenossenschaft. Geographisches und Historisches Lexicon der Schweiz*, Ulm, 1796. Bonstetten, *Souvenirs de 1831*. For the thirty years' war, Coxe's *History of the House of Austria* and Schiller have been consulted. The troubles of the Valteline have been related by Lavizzari, Quadrio, and others.

## SIXTH PERIOD.

FROM THE FRENCH INVASION OF 1798, AND THE CONSEQUENT DISSOLUTION OF THE OLD HELVETIC CONFEDERATION OF THIRTEEN CANTONS, TO THE NEW ORGANIZATION OF SWITZERLAND AS A FEDERAL STATE, CONSISTING OF TWENTY-TWO CANTONS, IN 1814.

THE great revolution of France, whilst it totally dissolved the social relations in that country, produced in the sequel a similar effect on the political system of Europe which had existed since the time of Charles V., and had been consolidated during the latter part of the reign of Louis XIV. In the numerous continental wars of the seventeenth and eighteenth centuries between France, Spain, Austria, and the lesser powers of Europe, although encroachments and violations of treaties had often occurred, still, at the end of each war, former stipulations were referred to as precedents, and the principle of a balance of power was appealed to as in some sort the state law of Europe. War itself (excepting indeed that great stain on the history of modern Europe—the dismemberment of Poland) was made rather for the purpose of partial aggrandizement, than for the total overthrow of any particular state, or the subversion of its internal social system. But the wars of the French republicans, partly owing to the want of moral principle, and partly also to the irritation produced by the overbearing denunciations of foreign monarchs at an early period of the revolution, assumed quite a novel character, aiming at a total change, internal as well as external, social as well as political, in every one of the European states. Former treaties, balance of power, sovereign rights theretofore acknowledged, respect for neutrals, and the other fundamental maxims of the law of nations, were ineffectual barriers against the tide of conquest, which rushed on with the avowed purpose of destroying the whole existing system of society, assuming it to be altogether wrong, and founded on false principles. No former treaties were considered as binding, since they had been entered into by powers which the jurists and politicians of the French republic chose to consider as illegal and usurped. According to them there was not a single legitimate government in all Europe, because none of the governments of Europe were elected by the numerical majority of the people. With such new maxims of international law in the leaders, and a corresponding fanaticism in their

agents and instruments, all former ideas of reason and justice became confused, and the solution of every question was left entirely to physical force, or to the arts of conspiracy. All means were considered lawful for the overthrow of institutions which were denounced as tyrannical. Humanity and even justice were considered as treason against liberty. The wars of the French revolution in their intolerant fanaticism closely resembled the religious wars of the middle ages. Nor is this a matter for surprise; for when a set of men persuade themselves that they alone are in the right, they will needs be repeatedly roused to deeds of desperate valour, and often be hardened to the commission of remorseless cruelty. The fanatical revolutionists adopted the dangerous principle that, for the sake of liberty, all means are justifiable, and to this principle they gave the most ample latitude of interpretation.

There is a fine passage in Sir James Mackintosh's defence of Peltier, which exhibits in a vivid manner the fearful havoc which the French revolution made among the independent states of Europe. Alluding to the republican governments of the United Provinces of Holland, of Switzerland, and of the imperial towns of Germany, he says: "These governments were in many respects one of the most interesting parts of the ancient system of Europe. Unfortunately for the repose of mankind, great states are compelled, by regard for their own safety, to consider the military spirit and martial habits of their people, as one of the main objects of their policy. Frequent hostilities seem almost the necessary condition of their greatness; and, without being great, they cannot long remain safe. Smaller states, exempted from this cruel necessity, devoted themselves to the arts of peace, to the cultivation of literature, and the improvement of reason. They became places of refuge for free and fearless discussion; they were the impartial spectators and judges of the various contests of ambition, which, from time to time, disturbed the peace of the world. They thus became peculiarly qualified to be the organs of that public opinion which converted Europe into a great republic, with laws which mitigated, though they could not extinguish, ambition; and with moral tribunals to which even the most despotic sovereigns were amenable. \* \* \* \*

These governments were, in other respects, one of the most beautiful and interesting parts of our ancient system. The perfect security of such inconsiderable and feeble states, their undisturbed tranquillity amidst the wars and conquests that surrounded them, attested, beyond any other part of the European system, the moderation, the justice, the civilization to which Christian Europe had reached in modern times. Their weakness was protected only by the habitual reverence for justice, which, during a long series of ages, had grown up in Christendom. This was the only fortification which defended them against those mighty monarchs to whom they offered so easy a prey. And, till the French revolution, this was sufficient. Consider, for instance, the situation of

the republic of Geneva: think of her defenceless position in the very jaws of France; but think also of her undisturbed security, of her profound quiet, of the brilliant success with which she applied to industry and literature, while Louis XIV. was pouring his myriads into Italy before her gates; call to mind, if ages crowded into years have not effaced them from your memory, that happy period when we scarcely dreamt more of the subjugation of the feeblest republic of Europe, than of the conquests of her mightiest empire, and tell me if you can imagine a spectacle more beautiful to the moral eye, or a more striking proof of progress in the noblest principles of true civilization. These feeble states, these monuments of the justice of Europe, the asylum of peace, of industry, and of literature, the organs of public reason, the refuge of oppressed innocence and persecuted truth, have perished with those ancient principles which were their sole guardians and protectors. They have been swallowed up by that fearful convulsion which has shaken the utmost corners of the earth. They are destroyed and gone for ever.

\* \* \* That revolution has spared many monarchies, but it has spared no republic within the sphere of its destructive energy."

At the time of the first outbreak of the French revolution, the Swiss confederation collectively, and the cantons individually, were bound to the old French monarchy by long existing ties; most of them had entered into treaties, called as we have already said "capitulations," by which they furnished a certain number of regiments to the French service. The revolutionary clubs in France endeavoured to make proselytes among the Swiss soldiers, and in one instance they succeeded. In 1790, a part of the Swiss regiment of Chateaufieux, in garrison at Nancy, mutinied, the soldiers plundered the regimental chest and killed some of their officers. The tumult was soon quelled, and the leaders of the mutineers were tried by a court martial of their own officers, according to the disciplinary laws of the Swiss regiments. Several of the culprits were condemned to death, whilst others, who had shared in the plunder of the military chest, were, to the number of forty-one, condemned to the galleys. They were given up to the French police and conducted to Brest. But in the following year, upon a motion of Collot d'Herbois, supported by the club of the Jacobins, they were ordered to be released, were led in triumph to Paris, introduced into the hall of the legislative assembly as the victims of tyranny, and were declared by that body to have well deserved of the country. Rewards were given to them.

Early in 1792 the Bernese regiment of Ernst, in garrison at Aix, after having sworn to the new constitution of France, was suddenly attacked in its barracks by a numerous band of Marseillais, who were on their way to Paris, where they afterwards figured on the memorable 10th of August, and 2d and 3d of September of that year. The Marseillais wanted the arms of the Swiss, which were in fact Swiss property.



The colonel of the regiment kept his men in the barracks, waiting for the orders of the French commandant of the town. The commandant, Puget Barbantane, who had been lately raised to his station on account of his violent politics, advised the colonel to give up the arms. The colonel, to prevent a useless massacre, marched out his men, leaving their arms behind them in the barracks. Bern recalled the regiment home, and demanded the arms which belonged to it, but the demand, although supported by the king when presented to the legislative assembly, was contemptuously disregarded.

The regiment Steiner of Zürich, in garrison at Lyons, received orders to march to the south by separate battalions, but the lieutenant-colonel and the captains resisted the measure as contrary to their capitulations. The government of Zurich approved of their conduct, and wrote to the king at the same time as Bern, complaining of the infraction of solemn treaties, and of the insults to which their countrymen were exposed while they were honourably fulfilling their duties. These remonstrances afflicted the king, but produced no other effect. M. Barthélemy was soon after sent to Switzerland as minister of France; he was a man of honourable character and of conciliatory temper; and he had the difficult task of smoothing down the resentment of the Swiss, and preventing an open rupture, which could only have added to the king's perplexities.

At last the 10th of August, 1792, arrived. The massacre of the Swiss guards, uselessly sacrificed through the king's indecision, plunged into mourning a thousand families in Switzerland. In the old times of Sempach and Morat, one-tenth part of such atrocious injuries would have roused a cry of defiance and revenge from every valley and every nook between the Alps and the Jura; but it was not so now. The larger and more aristocratic cantonal governments were afraid of breaking altogether with France, and of thus losing the pensions and emoluments they derived from that power. They fancied the monarchy would survive the storm. They were also afraid of their own countrymen, for at that time the rural population of the town cantons began to show fresh symptoms of discontent at their exclusion from the legislature. Many Swiss capitalists were holders of French stocks and of assignats, and they of course deprecated a rupture. M. Barthélemy took advantage of all these circumstances, and although he was ill received at first, and was obliged to quit Soleure, the customary residence of the French ambassadors, and to retire to the town of Baden, yet, by his insinuating address, he contrived by degrees to conciliate the minds of the leading men of the cantons, and to confirm them in a system of neutrality during the war which had broken out between France on one side, and Austria and Prussia on the other. The diet declared its neutrality in May 1792. Louis XVI. contributed to this decision by his personal

and urgent communications to M. Barthélemy, and through him to the men of greatest influence in the cantons. The king wished to keep the Swiss neutral, in order that France should not be open to an attack on that side, the most exposed of its frontiers; for Louis XVI. was sincere in wishing to spare his country the horrors of foreign invasion.

The court of Austria, which was then the principal power at war with France, did not reply to the communication of the diet relative to the neutrality of Switzerland until four months after it was made; then, however, the emperor stated that "he conceived this resolution of the Swiss to be adapted to the present circumstances, as the Swiss might expect thereby to remain safe from the irruption of a superior enemy." The emperor, however, invited the Swiss, now that new and unforeseen events had occurred, alluding to the massacre of the guards, &c., to consider whether they should persevere in their first resolution; should they do so, however, his imperial majesty declared "that he acknowledged and would scrupulously respect their neutrality." This note was dated from Vienna, 29th of August, 1792. No invitation to the Swiss to join the coalition, no offer of assistance or of subsidy was made. The Swiss, therefore, had every reason of prudence and policy for persevering in their neutrality.

The French convention, which had succeeded to the legislative assembly in September, 1792, was then swayed by the party called Des Girondins, who proclaimed the republic. Brissot, one of the leading members of this party, carried a motion to dismiss all the Swiss regiments in the French service, without previously consulting the respective cantons, or even informing them of this decision, without granting to the officers the pensions to which they were entitled by treaty, or paying the soldiers up to the time of their capitulation, nay, without even paying the arrears due to them. Ten thousand officers and soldiers (they were originally 13,000, but the preceding massacre and mutinies had reduced their number) were thus at once thrown out of the profession they had engaged in, on the guarantee of solemn stipulations.

At the same time the frontiers of Switzerland were threatened by French armies. In 1791 disturbances had broken out in the territory of the bishop of Basle, between the bishop and the states or assembly of the people. The bishop, who was a prince of the German empire, as well as an ally of Switzerland, applied first to the cantons; but on their declining to interfere, he appealed to the emperor, whose troops came and occupied the country. In the following year, war having begun between Austria and France, the French in their turn occupied the bishopric of Basle, and drove the Austrian garrison away. The French were thus masters of the passes of the Jura, and stood on the very borders of the cantons of Bern and Soleure. The bishop of Basle was allied to several of the cantons; his territory was included in the neutrality of

Switzerland, and was under the protection of the confederation; yet the diet made no remonstrances on this account. The bishopric of Basle was turned into a republic, with the classical name of Rauracia; but this little republic, after an existence of three months, became merged into the great French republic in March, 1793. From that time until 1814 it constituted a department of France, called the department of Mont Terrible.

The republic of Geneva, placed on another extremity of Switzerland, was at the same time threatened by the French army under General Montesquiou, which had entered Savoy, war having broken out in September, 1792, between France and the king of Sardinia. The French executive, at the instigation of Clavière, the minister of finances, himself a native of Geneva, who had fled his country in consequence of the political troubles of 1782, ordered General Montesquiou to enter Geneva either by force or by stratagem, to proclaim the rights of man, to seize the arsenal, and "send the 20,000 good muskets it contained to France, where they were much wanted." Such were the words of Servan, minister at war of the convention, in his dispatch to General Montesquiou, 3d October, 1792, a dispatch quoted in the general's correspondence, which was afterwards published. Geneva was at peace with France, and had given no offence to that country. Bern and Zurich, the old allies of Geneva, being informed of the threatened invasion of Geneva by the French, sent a body of 1,500 men, with orders to defend it to the last. Soon after Bern marched a corps of 10,000 men under General de Mural to the frontier towards Geneva. The Bernese general signified to Montesquiou his determination to protect Geneva; and the French general, himself a man of moderation and of honourable principles, concluded a convention, by which the neutrality of Geneva was acknowledged. The Swiss troops then left the town. This convention, however, was not approved of by the French republican government; and General Montesquiou was superseded, and obliged to save himself from the guillotine by flight. It was on this occasion that Brissot made his memorable report of the 23d November to the National Convention, in which he declared that "Geneva shall obtain from us no treaty unless she adopts our principles. You will decide whether a free nation should be bound by treaties made with governments that do not hold their powers from the people. This is, perhaps, the great secret of our revolution, and of the other revolutions which are now in course of preparation." Three days before, the convention had, on the motion of Lareveillere Lepaux, proclaimed to the world that it offered its fraternity and its assistance to all people who wished to recover their liberty; and on the 31st October preceding the Deputy Gregoire had carried a motion to demand of the canton of Soleure the liberation of three officers who had been arrested for sedition, adding that the French

republic would consider a refusal on the part of the Soleure government as an infraction of the treaties, "all contempt for our principles, and all persecution of those who profess them, being an offence against the rights of nations." It appears from General Dumouriez' Memoirs, that the Girondins had formed the plan of an attack on Switzerland in the winter of 1792-3, which, however, was not carried into effect for some years after. The French had other business nearer home. The Girondins fell, and Robespierre and his faction, who succeeded them, left the Swiss in peace. Robespierre even affected a marked regard for the Swiss, and he assured Colonel Weiss, one of the senators of Bern, of his favourable disposition towards them. In fact, Robespierre seems to have abandoned the plan of revolutionary proselytism adopted by his predecessors, his attention being chiefly turned to the interior of France. Another reason may have contributed to the moderation shown by the terrorist government towards the Swiss. Lyons and Marseilles were in insurrection against the convention; Toulon was occupied by the allies. Had the Swiss marched 20,000 men to the assistance of Lyons, while the Sardinian troops were advancing in the same direction through Savoy, they might have turned the scale, have saved Lyons, and overthrown the power of Robespierre in September, 1793. And it seems that some proposals to that effect were made to the cantons by Austria and Sardinia, which, however, led to no result. All the measures of the allies in that eventful period were ill-combined or ill-fated.

During the five following years, till 1798, Switzerland scrupulously maintained its neutrality, and remained at peace with the various governments that succeeded each other in France. But its own internal tranquillity was repeatedly disturbed by popular agitation, encouraged by emissaries from France. At Geneva the diplomatic agent of the French republic, citizen Soulavie, openly intrigued against the established government. The bourgeois of the town, having obtained the political rights for which they had formerly been at variance with the old families of the citizens, were now united with the latter against any further agitation. But another class, called the inhabitants, whose families had not been settled at Geneva for the period required to give them the right of burghership, were dissatisfied, and the peasants of the surrounding villages, who continued subject to the town, began also to claim a participation in the political power. Soulavie, by preaching to them the principles of the rights of man, fanned the flame. Soon after the Swiss auxiliaries had left Geneva, the malcontents seized on the arsenal, and convoked a general assembly of the people, which they obliged all the burghers to attend. They easily carried a motion for deposing the great and the little councils, which were replaced by a legislative convention and a committee of public safety, after the model of France. The object of Soulavie, however, was to induce the popular party to demand the incorporation of Geneva with France; but in this

he was disappointed. The question being proposed, the popular government rejected it as decidedly as the citizens, or aristocrats, as they were called, had done before. The government of Robespierre, not wishing to come to open hostilities with the Swiss, Soulavie contented himself with exciting discontent among the more violent of the lower classes, who, at Geneva as in France at the same epoch, controlled the administration and the laws. All trade being at an end, the mechanics and small traders, who constitute a great proportion of the population of Geneva, were deprived of the means of subsistence, while at the same time they were told that they were equal to their wealthier countrymen. The next step was to carry this equality into practice. One summer evening, July, 1794, a party of revolutionists seized on the gates, the fortifications, and the artillery, turned the cannon against the town, and then arrested several hundred citizens among the principal families, magistrates, merchants, men of science, many of whom had never interfered in political disputes; some were murdered either publicly or in prison, and a tribunal was formed to try the rest. Forty were condemned to death as aristocrats, 100 more were exiled, and their property confiscated; the rest were condemned to imprisonment and other penalties. Of those condemned to death, some had escaped, several more were reprieved by the general assembly; but a band of infuriated wretches stormed the prison, and led the victims to the place of execution, where they were shot. The revolutionary tribunal, which was not composed wholly of men of the lower classes, passed its sentences under the fear of the same mob. Heavy contributions were imposed on all who were possessed of property; and as most of these could not pass for patriots, according to the meaning of the word at the time, they were divided into two classes, the *indifferentists*, or apathists, who were taxed twice as much as the democrats, and the *aristocrats*, who were made to pay a treble amount.

This system of terror, which lasted more than a year, fell after the overthrow of the terrorist government of France, to which it owed its origin, and which it copied on a diminutive scale, but in a spirit of equal atrocity. Some of the actors in those transactions were still living at Geneva a few years since. In 1795, all parties being tired of anarchy and violence, an approximation took place; the constitution of 1782 was re-established, and the enjoyment of political rights was extended to all the inhabitants born in the canton. The exiles were recalled, and peace seemed once more re-established at Geneva; but it was not to be permanent.

Meantime disturbances of a different character, and derived from more plausible grievances, broke out in other parts of Switzerland. The inhabitants of Stäfa and other villages on the banks of the lake of Zurich demanded in 1794 a participation in the rights enjoyed by the citizens, and particularly the freedom of industry and of trade. It has been mentioned already that the rural population of Zurich, Basle, and some

other town cantons, had no share in the employments and offices of the state; that they could not carry on any trade on their own account; that the cloth they wove they were obliged to sell to the town merchant from whom they received the raw cotton for its manufacture; that, in short, their commerce was restricted to the sale of their corn, wine, and other agricultural produce, all other branches of industry being monopolized by the freemen of the city. The petition from Stäfa was sent round the other villages for signatures. The government of Zurich having learnt this, arrested several of the promoters of the petition, some of whom were banished, and others condemned to fines and other penalties, in January, 1795. Several elders of the commune of Stäfa made researches in their municipal archives, and discovered an old convention, dated 1489, between the town and the rural communes, and several subsequent documents, by which freedom of trade and industry was guaranteed to the latter. The people of Stäfa and the other villages sent a deputation to inquire whether and when such acts had been annulled. The government in answer sent a body of troops with cannon, who surrounded Stäfa, and forced the inhabitants publicly to renounce by oath whatever title or claim they might have had to the privileges above mentioned. Stäfa was condemned to pay a fine of 75,000 florins, and several of the principal persons in the place, among others a magistrate of the name of Bodmer, were condemned to perpetual imprisonment. This scene of injustice occurred in July, 1795.

In the old territory, *alte landschaft*, subject to the abbot of St. Gall, one of the allies of the cantons, the communes assembled and formed a committee, who drew out a list of grievances, which they presented to the abbot in March, 1795. The principal complaints were, that fresh taxes had been levied by the abbey upon the country people, while the ecclesiastics and public functionaries were exempt from all charges; that feudal personal services were still enforced; and that the people were deprived of all municipal rights. The abbot, named Beda, was himself the son of a peasant, and was therefore well acquainted with the truth of these complaints. He listened favourably to the petition, but his authority was limited by that of the assembly of the monks, where he found the majority opposed to all concession. He, however, insisted upon reforming the abuses, and actually signed, in 1795, a charter by which he gave to his subjects the right of electing their magistrates and the members of the landrath or executive council, and of buying off the feudal dues and other charges; he abolished the *corvées* (or service on the roads), and ordered that all classes, ecclesiastics as well as laymen, should pay their share of the taxes. The people were rejoiced, and the name of the abbot Beda became venerated all over the country.

The government of the executive directory had now taken the reins of affairs in France. That government is generally acknowledged to have been as unprincipled and dishonest in its foreign relations as it was vacilla-



ting in its internal policy, and it was indebted for a few years' existence only to the general dread of the return of the rule of the terrorists, who had preceded it, and to the splendid successes of Bonaparte, who finally overthrew it. The directory, which on its first appointment numbered among its members two men of honourable principles, Carnot and Barthélemy, the latter of whom had been recalled from his Swiss embassy, appeared for a time disposed to respect the neutrality of the confederation. The minister of Switzerland had a public audience at the Luxembourg, and the Swiss flag was placed in the hall of the convention by the side of that of the United States. But the governments of the cantons were continually annoyed by peremptory notes from Paris, now requiring them to drive out of their territory the French emigrants, now demanding the expulsion of the clergy of Savoy, who had been obliged to take refuge among the Swiss Protestants, and had received hospitality at their hands; sometimes complaining of false assignats being circulated in Switzerland, at other times denouncing the ministers of the allied powers in Switzerland as intriguing against the French republic. The Swiss governments showed themselves docile almost to servility to these and other overbearing messages from the directory. They had, in fact, placed their only hope in a passive neutrality, and that neutrality proved in the end their ruin. When in 1796 general Moreau made his well-known retreat through Suabia, the left of his army, pursued by the Austrians, threw itself on Swiss ground for refuge, they laid down their arms on the frontiers, but they were kindly supplied with all necessaries, and safely escorted, they and their baggage, and even the plunder which they had gathered in Germany, through the territory of Switzerland to the frontiers of France.

The events of the 18th Fructidor, 4th September, 1797, in which the executive directory by an act of tyrannical violence triumphed over the more moderate portion of the French legislative councils, and arrested and transported to Guiana between fifty and sixty deputies, including the ex-director Barthélemy (Carnot found means to escape), had a fatal influence on the destinies of Switzerland. The Swiss lost the support of those men who had always deprecated the attempt to carry war and devastation among a people whom they esteemed, and who had given to France no ground of complaint. The new directory, now all powerful in France, began to assume a hostile tone towards the Swiss confederation. It evidently sought for a pretence to come to an open rupture. The objects of the directory in attacking Switzerland were various. One was the notion then prevailing among military men that the possession of the mountains by one of two belligerent powers ensured the success of its armies in the plains. This may be true of the plains or valleys immediately at the foot of a mountain, but in an extended warfare on a line of some hundreds of miles, the possession of a mountainous country like Switzerland placed in the centre of that line has no great influence

on the operations carried on by the left or right wings on the Rhine, the Po, or the Danube, and this appeared manifest in 1799, for while the French and Austrians were disputing inch by inch the mountains and high valleys of Switzerland, the real decisive actions of the campaign took place in Lombardy and in Suabia, and while the French were in possession of Zurich and Luzern, they lost all Italy, and were driven beyond the Rhine, the possession of Switzerland serving only uselessly to extend a line of warfare already enormously long, and to sacrifice thousands of men on both sides by small parties in a series of desultory and hard-contested mountain engagements, in which no great strategic operations could be executed. But another and more immediate purpose of the French directory in 1798 was to ransack the treasuries of Bern, Zurich, Basle, and other wealthy towns of Switzerland, where it was known that considerable sums of money had been accumulated through the provident economy of the cantonal governments. The advantage, too, of spreading their political system over a neighbouring country which could supply their armies with hardy recruits, was not without its weight in the speculations of the French directory; and the outcry of many Swiss emigrants encouraged them in their plan; although it must be observed that the discontent in Switzerland was, in fact, confined to a few districts, and was by no means general throughout the country. The ostensible pretence was, as usual in those times, to give to the Swiss people liberty and equality, and to put down the aristocracies which, under various shapes, had possession of several of the cantonal governments. The Pays de Vaud, a country subject to Bern, but bordering on France, and where French is the language of the people, afforded the directory a favourable opportunity for interfering.

When Bern, in the first part of the sixteenth century, conquered the Pays de Vaud from the dukes of Savoy, that district had a representative body, called the states, consisting of the nobility, the higher clergy, and the chief magistrates of the towns, which states were convoked by the dukes to give their assent to any new laws, and more particularly to any subsidy or tax proposed by the sovereign. States of a similar description existed in Savoy and Piedmont, as well as in Naples and other feudal monarchies of the middle ages; but they were by degrees discontinued in the course of the sixteenth century. Duke Emmanuel Philibert of Savoy, on returning to his dominions, which had been occupied by the French for nearly a quarter of a century, when the peace of Chateau Cambresis restored them, in 1559, to the house of Savoy, superseded altogether the assembly of the states, both in Savoy and in Piedmont, by establishing fixed taxes or tailles instead of the temporary ones formerly granted by those bodies. He created a council, to be consulted at his pleasure, and he transferred the archives of the states to the *chambre des comptes*, or general board of accounts. At that time the Pays de Vaud had been for many years under the dominion of Bern, and in



1564 Emmanuel Philibert finally ceded it to that canton for ever, with the general condition that the rights and privileges of the country should be maintained. This treaty was guaranteed by Charles IX., king of France. Whether Emmanuel Philibert meant to stipulate for the maintenance in Vaud of the assembly of the states which he had himself abolished in his own dominions, may be a matter of doubt; indeed the whole question of these states and of their attributes is involved in considerable obscurity, and has been the subject of much literary controversy between MM. Laharpe, De Mulinen, Monod, Jean Cart, and lately count Dalpozzo, and other publicists. One thing is certain, that such assemblies, composed of the three estates, nobles, clergy, and the towns, had once existed in Vaud under the counts and dukes of Savoy, but they were very unlike our modern popular representative assemblies, being entirely under the influence of the two privileged orders, and they never met or attempted to meet after the conquest of the country by Bern. On the other hand, it is true that Bern did not impose fresh taxes on the country, the consideration of which seems to have been the principal function of the states. De Mulinen also observes that the elements of which those assemblies were once formed existed no longer in Vaud, as the nobility did not retain any feudal authority or influence, and the upper clergy had disappeared with the reformation; and therefore the states now demanded by Laharpe and others must be in their nature totally different from the old ones, which could not be appealed to as precedents. This was said by Mulinen in answer to the *Essai sur la Constitution du Pays de Vaud*, which Laharpe wrote while he was at Petersburg as preceptor of the grand dukes Alexander and Constantine. Some years afterwards Laharpe came to Geneva, and published another work, inviting his countrymen of Vaud to demand the convocation of the states; and exhorting them, in case Bern should refuse, to claim the guarantee of France, that power having been a party to the treaty of Lausanne of 1564. Such was the ostensible origin of the revolt of the Pays de Vaud against Bern, and of the French interference, which led to the destruction of the old Helvetic confederation.

Some partial disturbances had occurred in the Pays de Vaud in the first years of the French revolution; but they were confined to small parties of young men from some of the towns, who, having assembled to celebrate the events of Paris, and being elated with wine, publicly broke forth into seditious expressions against the magistrates of Bern. A court was instituted to try the leaders; five or six were condemned to a short imprisonment, a few more to banishment for a limited period, and one only, by name Laharpe, a cousin of the author, was capitally convicted in default of appearance (*par contumace*), as he had run away. The great mass of the people of Vaud took no part in these transactions; the representations of several communes about certain duties and fees were amicably arranged; and the country showed no symptoms of dis-

affection till the end of 1797. On the 17th December of that year, the French directory demanded of its own minister for foreign affairs "a report on a certain petition from several inhabitants of the Pays de Vaud, claiming the guarantee of France for the recovery of their rights in conformity to ancient treaties." This petition was presented by Laharpe and other emigrants from Vaud, then living at Paris. The report of the minister Talleyrand being presented accordingly, the directory resolved, on the 28th of December, "that a declaration be made to the governments of Bern and Freyburg, signifying to them that the members of those governments shall be personally answerable for the safety of the persons and property of those inhabitants of the Pays de Vaud who had petitioned, or might yet petition, the French republic, claiming its mediation for the maintenance or recovery of their rights in virtue of ancient treaties." The directory thus threw off the mask. Having concluded peace with Austria at Campoformio, it had now full leisure to prosecute its designs upon Switzerland. At the same time, while a body of French troops under General Ménard approached the frontiers of the Pays de Vaud, another corps of 8,000 men suddenly took possession, in November, 1797, of the districts of Erguel, the Munsterthal, and the towns of Bienne and Neuveville, on the north-western frontier of the canton of Bern. These districts made part of the Helvetic confederation; although nominally under the high dominion of the bishop of Basle, they were allies and co-burghers of Bern, and of the other Protestant cantons, who guaranteed their rights and immunities. This was so well known, that the French themselves, in their invasion of the bishopric of Basle in 1792, scrupulously abstained from touching the Erguel, and the other districts similarly situated. But the directory was determined no longer to show regard to neutral rights. It was only after the districts had been seized by the French troops that the French chargé d'affaires, Bacher, notified to the Helvetic confederation the occupation of them, adding, moreover, that the French republic "intended to demand indemnities for the obstacles which the Swiss government had hitherto opposed to its occupation of those districts." The French were now within one day's march of Bern, and commanded from their positions the whole lowlands of that canton.

About the same time, a citizen Mengaud, who styled himself commissary of the directory, came to Bern without any diplomatic character, but as the bearer of a letter addressed to the avoyer, requesting the government of Bern to order the English minister, Mr. Wickham, to quit its territory. Bern answered that this was a measure which concerned the whole Helvetic body; upon which Mengaud proceeded to Zurich, where the chancery of the confederation was, and he there repeated the demand of the directory in the same uncereceremonious manner. Mr. Wickham, however, foreseeing this event, and wishing to spare the confederation the embarrassment resulting from his presence, had

already left Switzerland and retired to Frankfort, writing at the same time to the English cabinet, stating the nature of the case. The English ministry approved of his retirement, and charged him to state to the confederation that the withdrawal of the British legation proceeded merely from the anxious wish of the king to avoid giving the directory any pretence for annoying Switzerland, and disturbing the tranquillity of that happy country. Mr. Wickham communicated this message in a dignified and at the same time a very friendly note, dated Frankfort, 22d November, 1797, which he addressed to the avoyer and little council of Bern.

Another note of the directory, dated 25th November, demanded of the confederation the expulsion of all the emigrants, priests, and others who had taken refuge in Switzerland, and the delivery into its hands of the members of the French legislative councils, and other individuals, condemned to transportation after the affair of the 18th Fructidor. The confederation evaded this last request by a counter-demand that the directory should deliver the Swiss conspirators who had taken refuge in France. But the magistrates of Basle had the weakness to give up Richer Serisy, one of the proscribed deputies, and all his papers, after, however, having warned him to quit the town, a warning which he neglected.

Another demand of the directory was, that all the Swiss officers who had served in France, and had received decorations from the monarchy, should lay them aside. For the sake of peace, the Swiss governments consented to this. Their humiliation, however, did not save them from ultimate ruin.

General Bonaparte, under the pretext of some remonstrances and complaints on the part of the inhabitants against their rulers, had seized, in 1797, upon the bailiwicks of Valtelina, Chiavenna, and Bormio, which had been for centuries dependent on the Grisons, and had incorporated them with the Cisalpine republic. At the same time all the property, houses, and lands, belonging to citizens of the Grisons which were situated in those districts, were confiscated, to the amount of some millions of florins, and many families were thus ruined. After the treaty of Campoformio Bonaparte left Italy, and took his road through Switzerland to return to Paris in November. He passed through Geneva, Lausanne, and Bern, affecting a forbidding and supercilious demeanour towards the Bernese authorities, who had shown him the attention of preparing relays of horses, and had sent a deputation to greet him, and to invite him to a banquet. He rejected all their civilities, and even neglected to return the visit of ceremony which the avoyer paid him on his passage through Bern. It was only on his arrival at Basle that he exclaimed that he found himself again in a free country.

Basle was the part of Switzerland where revolutionary ideas had made most progress. Several leading members of the legislative council,

among others Ochs, openly proclaimed the necessity of a total change of government, not only at Basle, but over all Switzerland. Their idea was to merge, by fair means or foul, the whole of the cantons, allies and subjects, into one democratic representative republic, after the model of France. They formed a club of "friends of liberty," and they were encouraged by Mengaud, who had now assumed the title of minister of the French republic. Ochs wrote a letter to the executive of Basle on the 1st of January, 1798, in which, after styling them as usual "most honourable and gracious lords," he told them that this was, perhaps, the last time in which their excellencies would hear themselves addressed in this antiquated formulary, as he considered that a revolution was unavoidable, that all distinctions should be abolished, and that primary assemblies of the people should be formed to choose representatives in order to frame a new constitution; that meantime the old functionaries should at once resign their offices, and that a provisional commission should be formed to carry on the government. So far as this concerned Basle, the people of that canton had, no doubt, a right to settle their own internal affairs according to the wish of the majority; but Ochs proceeded to say that all the cantons must be formed into one democratic representative republic,—a plan which was certainly not the wish of either the majority of the cantons, or of the majority of the people in any one canton, as was abundantly proved by subsequent events. Ochs was an enthusiast, and it would appear a sincere one; he had sustained heavy losses in the French funds; he had lost his relative, Dietrich, the burgomaster of Strasburg, who perished on the revolutionary scaffold; and yet he laboured to bring similar misfortunes upon his own country. The peasants of Basle, who were excluded from all political rights, and shackled by the commercial monopoly of the burghers, were easily induced to demand an equality which had been too long denied them; they broke into open insurrection, drove away the landvogt or bailiffs, and set fire to their castles. Two or three members of the council of the town, who were themselves of the popular party, were sent to meet the peasants, whom they assisted in drawing out three fundamental articles. 1. The admission of the principle of equality and of a representative government. 2. Political and civil equality between townsmen and peasants. 3. The convocation of a national assembly. This declaration of rights was called *Magna Charta*. A numerous band of peasants carried this declaration into the city on the 20th January, 1798; and the magistrates, overawed by this display of physical force, recalled their deputies from the federal diet, then sitting at Aarau, and on the 5th February resigned their authority into the hands of a commission of sixty persons, selected from all classes. This was the first breaking up of the old Helvetic confederation. It ought to be observed that previous to this event, French troops had spread all around the canton, who, in concert with Mengaud, who re-

sided at Basle, openly countenanced the revolution. Under pretence that the French republic had succeeded to all the rights of the bishop, they introduced guards into the city in order to sequester the episcopal palace, which still remained in the bishop's possession.

Meantime a general diet of the confederation had assembled at Aarau, to consult on the crisis with which the country was threatened. On the 25th of January the deputies renewed their federal oaths. The president, burgomaster Wyss, of Zurich, called on them "to follow the example of the three heroes of Schwyz, Uri, and Unterwalden, who were the first to call God to witness their determination to secure the liberties of their countrymen. He reminded them that this determination was crowned with success, and had secured to their descendants the blessings which they still enjoyed." Then every deputy swore in the name of his canton, "to observe and maintain their reciprocal alliances, and mutually to defend and protect their respective constitutions." But this solemn ceremony proved only an empty pageant; Basle, already revolutionized, refused to concur in it, and the deputies of that canton were hastily summoned away by its government. Soon afterwards the diet separated without coming to any resolution. Mengaud, escorted by some French hussars, had been repeatedly at Aarau, vexing the diet with notes, spreading revolutionary pamphlets among the people and the militia, and attending the democratic clubs which he had assisted in organizing. Some of his emissaries having been arrested in the act of exciting the people to sedition, Mengaud had written, on the 2d January, a note to Bern, demanding their release, "as they were friends of the French republic." Bern answered that the accused had not been arrested for mere opinions, but for overt acts of sedition; and that the government of an independent state was only accountable for its conduct to its own laws and constitutions, and to God above all. On the 6th January Mengaud wrote again on the subject, declaring that all the members of the government of Bern should be made "personally responsible to the French directory for the safety of the individuals arrested, who were the particular objects of the directory's good will." He next asked for explanations concerning the assembling of the militia by the canton of Bern.

As soon as the diet had left Aarau, an insurrection broke out in that town, which was subject to Bern; the municipality proclaimed its independence, and hoisted the tree of liberty; the regiment of the Aarburg militia, near Aarau, revolted against its officers, and formed a revolutionary committee; the officers of the regiment of Zoffingen refused to serve, and were cashiered; a battalion of Lenzburg refused to march upon Aarau; and the revolt spread over other parts of the Aargau. A sudden impulse of vigour prevailed in the councils of Bern; troops were marched upon Aarau in spite of Mengaud's threats; the militia returned to their duty; several of the mutineers were arrested, and the

others fled to Basle. The country people loudly testified their attachment to the government. At the beginning of February, things had assumed a more promising aspect for Switzerland. Many deputies of the cantons had repaired to Bern, where they formed a sort of federal representation. The double contingent of the confederation, amounting to 26,000 men, was ordered out, and the Swiss began to look to a war with France without fear, and even with some confidence of success.

The insurrection, however, had triumphed in the Pays de Vaud by means of the French arms. On the 24th January, 15,000 Frenchmen from the army of Italy, under the command of General Ménard, entered the Pays de Vaud without any previous declaration of hostility, drove away the Bernese authorities, and organized a provisional assembly at Lausanne. Colonel Weiss, who, previously to this, had been sent from Bern with full powers, lost his time in fruitless discussions with the disaffected, who formed only a small minority of the people of Vaud, for the great bulk of the inhabitants were evidently attached to the government of Bern, and only petitioned for the abolition of certain feudal charges, which dated from the time when the country was under the dominion of the dukes of Savoy. Out of thirty battalions of militia, which included almost all the men capable of bearing arms, twenty-four had just taken their oath of allegiance to Bern without the least reservation, and the other six showed only a partial hesitation. The disaffected in some of the towns never thought of calling in the French; one or two petitions, scantily signed, certainly were sent to the French general, without the concurrence of the remaining towns; but what the value of these documents was may be judged from the fact, that the petition from Lausanne contained only 130 names, out of a population of about 10,000 inhabitants; that a pretended petition from Yverdon was immediately disavowed by the people of that town; and that all the other petitions for redress of grievances were addressed to Bern itself. Nevertheless, Ménard and the French directory proclaimed that they entered Vaud in conformity with the unanimous wish of the population.

A fatal irresolution prevailed in the councils of Bern. The choice of colonel Weiss decided the loss of the Pays de Vaud. Instead of dissolving the revolutionary committee of Lausanne, and showing a bold front to the French on the frontiers, which he might well have done, as he had 20,000 men under his command, he was busy writing a pamphlet, entitled, "*Réveillez-vous, Suisses, le danger approche*," which he fancied would put down disaffection without further ado. When at last he perceived his mistake, he withdrew his forces to Yverdon, at the northern extremity of Vaud, and thus left the whole country at the mercy of the conspirators and their French auxiliaries. The great majority of the people were taken by surprise, and a separation, which had never entered into their views, took place at the bidding of a few individuals, backed by French bayonets; but when the separation had been once

effected, and Bern itself had lost its independence, the people of Vaud by degrees accommodated themselves to their new situation, a distinct national character was formed among them, and they would then no longer listen to any proposals for a re-union with Bern.

Ménard, after entering the Pays de Vaud, sent an aide-de-camp, escorted by two hussars, to colonel Weiss at Yverdon, notifying to him that he would consider any opposition to his advance as a declaration of war. On their return the party passed in the night through the village of Thierens, the inhabitants of which, being well affected to Bern, had armed themselves, and had posted sentries to give the alarm. The sentries challenged the French party, upon which the hussars fell upon them with their sabres, and in retaliation were fired at, and one of them was killed. This incident was immediately construed by Ménard into "a premeditated assault by the partisans of oligarchy, an assassination which the great nation could never forgive, &c."\* Bern immediately ordered an investigation of the affair, and it was proved by numerous witnesses to have been an accidental affray occasioned by the unjustifiable attack of the French troopers. The directory made a highly-coloured report to the legislative body, recommending a declaration of war against Bern; and the unfortunate village of Thierens was set on fire by the French.

The councils of Bern persisted in their vain hope of propitiating the French directory; they sent explanations and made apologies, couched even in humiliating terms. At the same time they thought of strengthening the bonds between them and the country people. The German part of the old canton had not shown the least signs of discontent; the people even felt indignant at the encroachments of the French, and determined upon resistance. Twenty thousand of the militia were assembled, and the number might easily have been doubled. On the 31st of January the sovereign council of Bern invited the communes to elect a deputation of fifty-two members to take their seats in the assembly. These deputies behaved in an admirable spirit. They addressed to their constituents a declaration, dated 5th February, full of the most affecting candour and patriotism; they spoke of the improvements which had been proposed in the council, of the necessity of preserving the sound parts of the constitution, of the happiness they had till then enjoyed, of the duty of rallying, with one consent, round the standard of the state whilst attacked or threatened from without, and of their own determination to leave unsullied to their descendants the fair name of their country. "We may cease to exist," thus ended this declaration, "but our honour must be preserved to the last." For a moment the idea was entertained in the council of establishing a temporary dictatorship until the crisis of the foreign attack had passed; public opinion was in favour of the measure, which would probably have saved Bern and

\* *Proclamations de Philippe Romain Ménard à ses Soldats et au Peuple Vaudois, 8 et 9 Pluviose (27 and 28 January, 1798).*

all Switzerland from the horrors of invasion, but the party of peace and half measures prevailed in the council, and was joined by some of the new deputies from the towns; and although the wish to save the country was universal, they could not agree about the means. Instead of providing in the first instance for repelling the invader, they appointed a commission to draw the plan of a new constitution, upon the basis of election by the people, and of the admissibility of all the inhabitants to the offices and honours of the state. One year was allowed to the commission for the completion of its work, but two months had not expired before Bern had ceased to exist as an independent state. The council of Bern hastened to inform the French directory of their resolution, and they deputed four of their own body to notify it to Mengaud at Basle, hoping to disarm his hostility by this approach to the principles of the French republic. They were soon undeceived. Mengaud wrote, on the 13th of February, an insulting reply, demanding "the immediate abdication of the executive, and especially of the council of war, and the creation of a provisional government, framed on a democratic basis, from which all the members of the old government should be excluded. The majesty of the French republic would not allow of any more vacillation and delay, would not wait for the announced reforms, &c." This was too much even for the temporizing councils of Bern. The party of peace and humiliation lost their influence, and instructions were sent to the deputies at Basle to communicate to Mengaud an unqualified refusal of his demands.

Meantime the councils of several of the other town cantons followed, but with greater precipitation, the example of Bern, by changing their constitutions. At Luzern and Soleure the mass of the country people refused all participation in the government. At Soleure a body of peasants entered the town on the 16th of February, and demanded of the council the arrest of the leaders of the revolutionary clubs, whom they qualified as traitors, and, without waiting for an answer, seized about thirty of them, and put them in prison. At Freyburg also parties ran very high, but nothing decisive was effected: so little unanimity was there in Switzerland in favour of democratic institutions. In fact, with the exception of Basle and Zurich, it was the magistrates that revolted against themselves by abdicating their powers under the influence of a panic. In Zurich, however, the old spirit of resistance to the unjust monopolies and privileges of the towns having showed itself at Stäfa and in the other villages near the banks of the lake, the government released those who had been arrested in 1795, and allowed the exiles to return home. These formed committees, demanding the extension of their rights. The government made some concessions, and at the same time called out the militia for the defence of the country; but the borderers refused to send their contingent. The great council then ordered the election of 120 deputies from all classes of the people, to remodel



the constitution. The old magistrates, however, were left by common consent at the helm of the state as a provisional executive. In these transactions the people of Zurich in general displayed much greater moderation and soberness of judgment than those of Basle, although the grounds of complaint were the same in both countries. But the French and their emissaries were far from satisfied; they did not want reforms in particular cantons, but a general revolution all over Switzerland, and the fusion of the country into one republic, the ally or rather the handmaid of France. Mengaud actually distributed his plan of an Helvetic republic, one and indivisible, like the Cisalpine and Batavian republic, to be divided into twenty-two departments, with a directory and a legislative body, after the approved fashion of the day. It is worthy of remark, that this man, who arrogated to himself the high office of legislator of Switzerland, did not even understand German, but employed as his interpreter a low German woman, the sister of a carrier, who accompanied him in his mission. He published, among an infinity of other pamphlets and flying sheets with which he inundated Switzerland, a parody of the creed, beginning by, "I believe in a constitution, one and indivisible, conceived with joy in the bosom of all the patriots of Helvetia, born of freedom, which has suffered under the oligarchs," &c.

One change took place, which was demanded by justice as well as by policy. The subjects of the Swiss were emancipated. Most of the cantons agreed to this, and the rest were obliged to conform to the general wish. The smaller bailiwicks became incorporated with the cantons whose subjects they were, and participated in the common rights. On this occasion specimens of the old Swiss feeling of equity displayed themselves. The people of Gaster, who were subject to the joint cantons of Schwyz and Glarus, on being emancipated, returned of their own accord the sum which the two cantons had paid to their old barons three centuries before, and for which they had received the district as a security. The subjects of the abbot of St. Gall, on receiving their independence, offered likewise to give him a compensation upon similar grounds. How different from the conduct of the French republicans and their partizans! The country of Thurgau became independent. The Italian bailiwicks, Lugano, Locarno, and Bellinzona, formed themselves into a separate community, but continued in their connexion with Switzerland as allies, notwithstanding the suggestions of their Italian neighbours, who wanted to incorporate them with the Cisalpine republic, like Valtelina. All these changes took place in February, 1798.

The little cantons, the old democracies of Switzerland, remained unaltered. They could not possibly become more democratic than they were, especially after they had emancipated their subject bailiwicks. The Grisons remained also unchanged for the same reason.

The town of Mulhausen, an ally of the Swiss, was about this time detached by violence from the confederation. The French, before their

open rupture with Switzerland, wishing to avoid an act of undisguised hostility, had repeatedly urged the citizens of Mulhausen to demand their incorporation with France. The citizens refused, and the French blockaded the little territory of Mulhausen, not only causing the ruin of its trade and manufactures, but absolutely reducing the inhabitants to a state of famine. For two years Mulhausen held out, until, pressed by hunger, it surrendered in January, 1798, "requesting to have the honour of joining the French republic." This act was proclaimed at Paris as being a voluntary expression of the sentiments of the people of Mulhausen. In the following April a similar demand was obtained by analogous means from the citizens of Geneva. But here French troops actually urged on the determination of the people. A body of soldiers demanded to pass through the town, and being once admitted took possession of the fortifications. The rest followed as a matter of course.

The French army which occupied the Pays de Vaud had its headquarters at Payerne, on the high road to Freyburg and Bern. General Brune, a protégé of the director Barras, had succeeded Ménard in the command. The Bernese troops under general D'Erlach were posted at Morat. Brune began by summoning D'Erlach to give up Morat. "Were I base enough," answered the veteran, "to forget for a moment my duty, the monument I have here before my eyes would be enough to recall me to it." He alluded to the chapel with the bones of the Burgundians who were defeated by the Swiss in 1476. Brune changed his tactics, and sent a conciliatory message to Bern. The party for peace in the councils resumed its ascendancy, agents were dispatched to Brune, and this interchange of inconclusive messages lasted for some weeks. Meantime Brune was waiting for reinforcements which should raise the French forces in Switzerland to 45,000 men. They had as yet only 25,000, including the corps on the northern frontiers, and Bern had an equal number in the field. When the Bernese messengers urged Brune to sign the preliminaries of a treaty by which the French troops should withdraw from the Pays de Vaud, Brune at last acknowledged that he had no power to sign such a convention, but that he would send a courier to Paris, whence he had no doubt he should receive a satisfactory answer. And this procrastination succeeded in lulling the councils of Bern to sleep on the brink of the precipice. The minority of 120 members saw the snare, but they could not make it visible to their colleagues; so that a truce was signed with Brune for fifteen days, which was to expire on the first of March.

During the armistice, emissaries of the French spread all sorts of insidious reports among the Bernese soldiers, that their own government was betraying them, and had sold them to the French. The soldiers, chiefly taken from the simple peasantry of the country, seeing the unaccountable indecision of their government in front of an insolent foe, were inclined to believe that treason lurked somewhere. These ma-

nœuvres became known at Bern, a feeling of indignation burst out, and dispositions were made by general D'Erlach to begin hostilities at the expiration of the truce. The 25,000 men of Bern were ranged in three divisions: one under D'Erlach himself was posted between Freyburg and the lake of Morat; another under Graffenried was posted between Buren and the lake of Bienne; and the third protected the town of Soleure. The two last divisions were opposed to the French corps under general Schauenburg, which occupied the territory formerly belonging to the bishopric of Basle. About 5,000 men more, being the scanty contingents of several cantons, were kept as a reserve. The towns of Freyburg and Soleure were both garrisoned by their own militia in conjunction with the Bernese.

General D'Erlach, on the 26th of February, entered the sovereign council, and there tendered his resignation unless they gave him full powers to act immediately upon the expiration of the truce. "It is useless," said he, "to keep so many brave men under arms, waiting until the enemy has completed all his preparations, and has succeeded in sowing dissensions in our ranks. Let us determine to save our country, or let us send these poor men to their homes." It was then that the council gave D'Erlach full powers to act according to his judgment. A courier arrived at the same time from Brune offering to renew the negotiations, and the council again sent two deputies to him, but confirmed general D'Erlach's powers. Brune insisted as his ultimatum that the councils of Bern should abdicate. The deputies declared such proposals to be inadmissible, and they left him on the 28th, the eve of the expiration of the armistice. On that very day a scene of confusion and ruin took place at Bern. The party in the legislative council which was determined to submit to the French rather than try the fortune of arms, availing themselves of the absence of many members,—officers who had gone to the army with D'Erlach,—carried by a small majority a resolution revoking the powers given to the general, and forbidding him to attack the enemy. They likewise carried another resolution for the abdication of the executive, and the institution of a provisional regency, sending at the same time another deputation to Brune acquainting him with the proposed change, and deprecating his hostility. Brune received the message with contempt, and demanded that the Bernese army should be immediately disbanded. This would have been to surrender at discretion; and the order was again given to D'Erlach to attack after the expiration of the armistice, namely, in the night between the 1st and 2d of March; but two hours afterwards another counter order came to his head-quarters, informing him that Brune had granted a prolongation of the armistice for thirty hours. Nevertheless, on the morning of the 1st of March, before the expiration even of the first armistice, the French army under Schauenburg attacked the castle of Dornach near Soleure, and in the night surprised a battalion of Oberlanders posted at Lengnau,

cut most of them to pieces after a sharp resistance, and while the report of the new armistice was circulating through the Swiss lines, Schauenburg pushed his columns to the walls of Soleure. He summoned the town to surrender within half an hour, with a threat of burning it and putting the garrison to the sword if any resistance should be made. "The members of the government of Soleure," he wrote, "shall answer with their heads and their property, if there be a drop of blood shed. Such are the orders of the executive directory of France." The members of the councils in dismay opened the gates after Schauenburg had promised to respect the persons and property of the inhabitants, which however did not prevent his soldiers from plundering the villages round the town, and killing those who attempted to defend their property or the honour of their women.

On the following morning (2d of March) Brune likewise began hostilities on his side by an attack on Freyburg, after the Bernese deputies had just left his head-quarters at Payerne, under the impression of the armistice being protracted in order to settle matters by negotiation. The Bernese outposts, taken by surprise, fell back on Freyburg, the authorities of which opened the gates to the French, while the Bernese, followed by many of the Freyburg citizens and peasants, took up a position at Guminen, Neueneck, and Laupen, on the frontiers of their own canton. The other division of the Bernese army opposed to Schauenburg took up a position at Frauenbrunnen, about ten miles north of Bern. The contingents of the forest and other cantons, which had partially and slowly come up to the assistance of Bern, remained all this time in the rear, and after the taking of Freyburg and Soleure by the French on the 2d of March, they began a retrograde march towards their homes. Bern was left alone in the struggle, with a few auxiliaries from Freyburg and Soleure. That part of the Bernese troops which came from Aargau, deserted their colours and went home; so that the army for the defence of Bern was thus reduced to about 15,000 men opposed to more than 30,000 Frenchmen. On the 3d, the Landsturm or general rising of the peasantry was proclaimed, but this only served to increase the general confusion. On that same day the executive council of Bern was dissolved, and a provisional regency hastily formed. This was done in hopes of conciliating the French. On the morning of the 4th, the regency sent messengers to general Brune to inform him of the change that had taken place in the government, and to demand an armistice, offering even to dismiss the army, provided the French remained in the positions they occupied at present. Brune peremptorily insisted on placing a French garrison in Bern. This was too much even for the regency. The people and the troops were in a fearful state of excitement at the idea of being betrayed by their governors. A division of the army quitted its post and marched to Bern in a state of mutiny. The soldiers drove away many of their officers, and bayoneted

at the very gates of Bern the two colonels Stettler and Rhyner, notwithstanding the entreaties of a young lady, the niece of avoyer Steiger, who tried, at the risk of her own life, to save the victims from their fury. After committing this crime, the misled soldiers seemed struck with sudden horror, they again submitted to their officers, returned to their posts, and prepared for fight. On the evening of the 4th the regency issued the order for battle for the next day. The avoyer Steiger, having solemnly resigned the insignia of his office, repaired with his friend general D'Erlach to the camp at Frauenbrunnen. At one o'clock on the morning of the 5th Brune attacked the posts of Guminen, Neueneegg, and Laupen. He was repulsed with great loss, and his troops were driven back for several miles on the road to Freyburg. The Bernese general Graffenried was preparing to follow up his success, when he received the news of the defeat of D'Erlach at Frauenbrunnen. Schauenburg had attacked the Bernese in that quarter with a force far superior to theirs in number, and especially in cavalry and in horse artillery, with which last kind of force the Swiss were unacquainted. After a sharp resistance, D'Erlach retired upon the Grauholz, a wooded hill in sight of Bern, where he sustained another attack. His position being again forced, he formed his troops once more in the plain, close to the city of Bern, where the French artillery and cavalry made dreadful havoc in his ranks; peasants and women armed with scythes were mixed with the soldiers, and fell rather than surrender. Two thousand Bernese were left killed or wounded on the several fields of battle, the loss of the French amounted to 1,500. The remainder of D'Erlach's division took the road towards Thun and the Oberland. Bern, being now left unprotected, surrendered to Brune, who promised to respect the persons and properties of the inhabitants. The division of the south, under general Graffenried, on learning these events, mutinied and massacred two of their colonels, Crousaz and Gumoens, after which they disbanded themselves. Crowds of fugitives filled the roads in the direction of the Oberland. D'Erlach, finding himself deserted by his men on the evening of the 5th, the officers around him being killed or wounded, and he himself in danger of falling into the hands of the French cavalry, took alone the road towards Thun. He hoped to collect the fugitives in the recesses of the Alps, where he might have made a successful stand, being backed by the sturdy population of the forest cantons. At the village of Munsingen he fell in with a mob of disbanded soldiers and peasants intoxicated with wine and with rage; they seized the general, pinioned him, calling him a traitor, and prepared to take him to Bern. They were soon overtaken by another troop, who crying out that Bern was in the hands of the French, and cursing their magistrates and their generals, whom they called traitors to their country, fell upon D'Erlach with their bayonets and their axes, and left him mangled and dead on the road. An aide-de-camp, Kneu-

buller, arriving at the time, and endeavouring to intercede for his general, met with the same fate. The late avoyer Steiger, an old man of seventy, on leaving the field of battle, had also taken the road to Thun, accompanied by a faithful serjeant. He escaped all dangers, and crossing the lake of Thun and the mount Brunig, he reached in safety the forest cantons. Some days after the murder of D'Erlach, his assassins, struck by remorse, acknowledged that they had been shown by emissaries of the French forged letters as evidence of his treachery. These papers were profusely scattered in the Bernese camp previous to the 5th of March. More than 100 officers, including twelve members of the great council, and most of them belonging to the principal families of Bern, were killed on that fatal day. Their names are registered in golden letters upon six black marble slabs placed in one of the aisles of the cathedral of Bern. Such was the fall of Bern, a republic that had existed for nearly 600 years. It fell by the same arts, by the same hands, and nearly about the same time, as Venice and Genoa; like them, it exhibited weakness and hesitation in its councils, but, unlike them, it showed something of old Swiss determination in the hour of struggle, and it fell neither unhonoured nor unmourned.

Although the city of Bern was saved from pillage, yet many excesses were committed by the French soldiery, especially in the country round. It was remarked on this occasion that the troops under Schauenburg, which were drafted from the army "of the Rhine," behaved much worse than the soldiers of Brune, who came chiefly from the army of Italy. Many of the French officers, however, expressed their disapprobation of this unjust war. The soldiers had been excited against the Swiss by the system of barefaced falsehood which then prevailed and which was countenanced by the French government; it was gravely asserted in the French papers, *Le Rédacteur*, *Le Journal des Hommes libres*, &c., that Catholic fanaticism supported the aristocracy of Bern (a thorough Protestant country), that the latter had ordered processions and invocations to the Virgin, and that the priests had promised plenary indulgence for the murder of Frenchmen. So little did the French soldiers know why and against whom they were fighting, that, on entering Lausanne, they inquired of the inhabitants where their prince resided, that they might go and teach him reason. Brune seized, in the name of the French directory, the treasury of Bern, in which were found above 30,000,000 of francs in gold and silver; he emptied, also, all the chests of the various branches of the administration, as well as those of the various tribes or companies of the burgesses and of the patricians. He cleared the arsenal of 300 pieces of cannon, of arms, accoutrements, and ammunition for 40,000 men. He ransacked the public stores of corn, wine, salt, &c.; he also disarmed all the people both in town and country. The whole plunder was immediately carried off to France. Some of the Bernese guns were sent to Toulon for the Egyptian expedi-



tion, which was then preparing. In consideration of these services, Brune was raised by the directory to the rank of general-in-chief of the army of Italy. Schauenburg remained in command in Switzerland, whither a commissioner of the name of Le Carlier was sent as political agent of France. The new agent began his mission by forced requisitions of money and provisions for the troops, "for (so said his proclamation of the 29th March) it is just that the Swiss should support their liberators." He taxed Freyburg at 300,000 francs and Bern at 800,000. Eleven old councillors of Bern and five of Soleure were seized as hostages and taken to the citadel of Strasburg until the contribution was paid. So far with regard to Bern and its allies, Soleure and Freyburg; the rest of the cantons had taken no part in the quarrel between France and Bern. Zurich, the principal one among them, changed its constitution, and sent a deputation to the French head-quarters to profess its respect for the French republic, and praying at the same time that the canton might be spared the visit of the French soldiers, as every thing had now been made as democratic as they could possibly wish. Soon afterwards, however, the French head-quarters were transferred to Zurich, and the troops spread over the country as far as the Lake of Constance. Zurich was taxed like Bern, although it had made no resistance. At Luzern an insurrection of the peasants against the new modelled government afforded a pretence for French interference, the peasants were shot, and Luzern was occupied by a French garrison. Similar scenes occurred in the Valais; a body of French troops carried fire and sword into those hitherto peaceful valleys, plundered the city of Sion, and massacred a great number of the mountaineers, and among them many of the poor idiots called cretins, who are very numerous in the Lower Valais. Fresh contributions, confiscations, and arrests followed these exploits. The French directory issued a decree, declaring that the Helvetic confederation had ceased to exist, and that Switzerland was to form a single republic, one and indivisible, under a central government to be established at Aarau. The plan of constitution was sent from Paris, on the model of the French constitution of the year 3, consisting of two councils and an executive directory, in whom was vested the appointment of prefects and other authorities for the various cantons, which were thus to be transformed into departments, with the loss of their independence as separate states. A new division of the country into twenty-two cantons was likewise made at Paris; the old canton of Bern was parcelled into four cantons, namely, Bern, Vaud, Oberland, and Aargau. The Grisons, being too remote, and bordering upon the Austrian territories, with which France was then at peace, were simply invited to join the new Helvetic republic, which invitation, however, they declined to accept.

It is a fact, which serves to show the contempt which the French executive directory entertained for the constitution of the French republic,

that the invasion of Switzerland was undertaken and executed without ever being communicated to the legislative councils. The ex-director Carnot, who had emigrated in consequence of the affairs of Fructidor, and had thus escaped transportation to Guiana, wrote from Germany a pamphlet, in which he exposed the atrocious policy of the directory, and styled the Swiss invasion as "an impious war," which realized to the letter "the well-known fable of the wolf and the lamb." Bonaparte, who was then at Paris, had advised, as he afterwards stated, a remodeling of the government of Bern and some of the other aristocratic cantons, but not their destruction as independent states, or the violence with which it was attended.

The Waldstätten, or mountain cantons, being now summoned by the French commissioners to send their deputies to Aarau, boldly refused, saying that they were quite satisfied with their old form of government, and their landsgemeinde, or general assemblies of the people. But while the other cantons had appeared too aristocratic to the French directory, the forest cantons on their part were too democratic to please its taste. The French republic, or rather the few unprincipled men who swayed the destinies of France at the time, assuming the tone of the Roman senate of old, wanted uniformity of government all over the world, and obedience to their own dictates. The sturdy shepherds of Schwyz and Uri, unacquainted with either Roman or French senates, entrenched among their lakes and their mountains, refused to submit. Schauenburg marched with 15,000 men to bring the stubborn democrats to reason. It was a singular but deplorable sight to behold the French, calling themselves republicans, and enlisted in the name of liberty and equality, going to attack the oldest and most popular republics in Europe, because they chose to remain free, as they had been from time immemorial. Four battalions of Schwyz militia, and one battalion of Uri, under the command of Aloys Reding, an officer who had lately returned from the Spanish service, were posted at the defiles of Morgarten, St. Jost, and Schindellegi, on the borders of the canton of Schwyz, towards Zug and Zurich. On the 30th April the French routed the men of Glarus, Uznach, and other neighbouring districts, before the Schwyzers could come to their assistance. On the 2nd May the French attacked the pass of Schindellegi, where Reding had stationed himself, but were repulsed. They then turned that position by the pass of Mount Etzel, which was abandoned by the curate of Einsidlen, who had presumptuously undertaken to defend it. Reding immediately fell back to Rothenthurm, where, with only 1,200 men, he waited for the enemy. The French, descending from the mountains, deployed in the plain. Reding commanded his men to charge, which they effected in admirable order, traversing the plain under the fire of the French musketry. The French did not stand the charge, and in half an hour's time the Swiss drove them back beyond the hills with great loss. Another body of French-



men, coming from Egeri, advanced at the same time by the pass of Morgarten, when they were repulsed by a battalion of Schwyzers with some auxiliaries from Uri. On the next day (3rd May) the French advanced in two columns against Arth, at the southern extremity of the lake of Zug. Both columns were repulsed with great loss. In these actions the French lost nearly 4,000 men; the famous black legion, known for the excesses it had committed in the country, was almost entirely destroyed. Schauenburg, struck with the spirit of the mountaineers, offered to Reding an honourable convention, by which no French soldier was to enter the canton of Schwyz, no contribution was to be levied on its inhabitants, and the Schwyzers were to remain in possession of their arms; but they were to send deputies to Aarau to arrange matters concerning the new constitution. As the continuation of the contest with such fearful odds could only lead to the extermination of the Schwyzers, Reding accepted the terms of this remarkable capitulation.

Meantime the exactions of the French over the rest of Switzerland continued. Le Carlier was recalled by the directory, and a new commissioner was appointed, who, by an ominous coincidence, was called Rapinat, and he fully justified his claim to the name; for his rapacity became the terror of the unfortunate Swiss. Even the Helvetic executive, installed by French influence at Aarau, were compelled by the loud clamours of their countrymen to complain of Rapinat's conduct, upon which the commissioner unceremoniously dismissed two of the members. The French directory at last recalled Rapinat, and promised to relax the rigour of its demands upon its "good Swiss allies." Schauenburg, the general-in-chief, after having disarmed the people, forbade any one to leave his respective canton without a passport signed by the general. The ingenious invention of passports had been unknown in Switzerland till then: it was first introduced by the French republicans, as another appendage to their curious system of liberty.

In the month of July the French commissioners and general ordered that the people should assemble in every canton in order to take the oath to the new constitution of the Helvetic republic one and indivisible, which had been proclaimed at Aarau. The small mountain cantons refused: they had sent deputies to Aarau, and had submitted to the new constitution by force, after the capitulation of Schwyz, but they would not perjure themselves by swearing perpetual fidelity to an institution which they disliked. Schauenburg threatened to treat them as rebels. The forest cantons replied that "they would willingly promise never to take up arms against the French republic, nor join its enemies. But our liberty is our only blessing, and the only thing for which we can ever be induced to grasp our arms." Schauenburg repaired to Luzern with 15,000 men ready to invade the forest cantons. Schwyz and Uri wavered in their resolution, and the small canton of Unterwalden was left alone in the struggle. But even in Unterwalden (which is divided

into two diminutive republics) the Obwalden, or upper one, taken by surprise by the entrance of a French column, did not oppose any resistance, and the Nidwalden alone, or lower division of the canton, which stretches along the banks of the Waldstätter lake, stood in arms to repel the aggressors. The whole population of Nidwalden did not much exceed 10,000, of whom about 2,000 were able to bear arms. That such a district should attempt to resist the might of France appears madness: it was, however, a determination produced by a feeling of right and justice among men secluded from the rest of the world, who knew nothing of politics and its overbearing dictates. They had not injured any one, why should others come to injure them? On the 9th September, 1798, the attack took place. Schauenburg had sent a column round by the Obwalden to attack the Nidwalders in the rear, while he embarked with another division at Luzern, and landed at Stanzstadt. The dispatch of Schauenburg, written on the evening of that day, furnishes a pithy account of the catastrophe. "After a combat which has lasted from five of the morning till now, we have taken possession of the district of Stanz. I grieve at the consequences of so severe a conflict: it has cost much bloodshed. But they were rebels, whom we must subdue." And the following day, 10th September, he wrote again: "I could succeed only by sending a column round by the Oberwald, while I attacked them at the same time by the lake. At six in the evening we were masters of this unhappy country, which has been pillaged. The fury of the soldiers could not be restrained; all that bore arms, including priests, and unfortunately many women also, were put to the sword. Our enemies fought desperately; it was the warmest engagement I ever was in. We have had about 350 wounded; we have lost several officers; but victory has remained with the republicans. All Unterwalden is now subdued." The unfortunate Nidwalders who perished on that day were reckoned at 1500, the rest took refuge in the recesses of the higher Alps. All the cattle were carried off by the French—the houses and cottages were set on fire—fruit trees cut down; the pretty town of Stanz was burnt, Stanzstadt and Buochs shared the same fate. That district, a few days before so peaceful and happy, now exhibited a scene of horrible desolation. In the churchyard of Stanz a chapel has been built, consecrated to the memory of 414 inhabitants of that town, including 102 women and twenty-five children, murdered on the dreadful 9th September. The priest was saying mass in the church when the French rushed in: a shot struck him dead, and fixed itself in the altar, where the mark is still seen. On the road from Stanz to Sarnen is the chapel of St. Jacob, outside of which eighteen women, armed with scythes, leaning against the walls, defended themselves against a party of French soldiers until they were all killed. Several hundred children remained orphans, wandering about their paternal fields: most of them were collected by the people of the neighbouring

cantons, and the philanthropic Pestalozzi sheltered and educated many of them in his then newly-founded institution.

Schauenburg, emboldened by this massacre, entered the canton of Schwyz on the 13th September, in contempt of the former convention, and disarmed the inhabitants. This was the great object of the French, and for this the revolt, as it was called, of Unterwalden had been provoked by overbearing dictation. Carnot, in his "Apology," already mentioned, stated that it was the policy of the French directory "to consolidate its strength by the destruction of its neighbours, whom it treated as friends as long as it could extract any thing out of them; and when the time came to destroy them, there was no want of pretexts to realize the fable of the wolf and the lamb."

The Grisons had declined the invitation to join the Helvetic republic. The Austrian troops stationed near their frontiers in the Tyrol and the Vorarlberg gave them some degree of confidence, as it was not just then the interest of the French directory to provoke a new rupture with the emperor. The French, however, had partisans among the Grisons; their envoy at Coire was carrying on intrigues with some of the leaders of the popular assemblies; and a French division was stationed at Sargans, ready to cross the Rhine and enter the Grisons country. But the atrocities committed in the Unterwalden opened the eyes of the Grisons to a sense of their own danger. The people ran to arms to guard the passes on the frontiers; the French envoy, after intriguing and threatening in vain, left Coire; and on the 17th of October the general diet of the Grisons formally requested the emperor to send them an auxiliary corps, according to former stipulations between the two countries. The Austrian troops came and wintered in the country.

The war having broken out again in March, 1799, between the emperor and France, Massena, who now commanded the French army in Switzerland, surprised the Austrian division stationed in the Grisons, and overran the country. The battles of Stockach and Feldkirch, gained by the archduke Charles and general Hotze, obliged the French to evacuate the Grisons soon after; and the Austrians, following up their success, spread also over eastern Switzerland. After several engagements, Massena left Zurich and fell back on the river Reuss. The small cantons availed themselves of this opportunity to throw off the yoke. Uri rose and took possession of the pass of the St. Gothard, the people of Upper Valais occupied the Simplon, so as to cut off the communication between the French forces in Switzerland and those in Italy. Schwyz rose also; but the French came in great numbers in May, 1799, and overpowered and disarmed the inhabitants, many of whom were killed. Insurrections and partial conflicts desolated all the eastern part of Switzerland. In those cantons which had been newly raised to independence and equality, such as Thurgau and part of Zurich, the French had partisans, who took up arms for them; the old cantons, on the contrary, fought despe-

ately against them, and the French retaliated with their usual ferocity. The Austrians, and a Russian auxiliary division under general Korsakow, occupied Zurich, which became the head-quarters of the allies. On the 7th of June the French evacuated Schwyz, and took up a position on the frontiers of Zug, by the village of Arth. The Austrians then entered Schwyz, where the inhabitants joined them. On the 3rd of July the French attacked the whole Austrian line, but the Schwyzers repulsed them again at Morgarten, and drove them as far as Egeri. Meantime the archduke Charles moved the greater part of his forces into Suabia, to continue his operations in that quarter; and the Russians, thus weakened, were attacked by Massena in a battle, or rather succession of battles, near Zurich, in September, 1799, and defeated, the French forcing their way into the town of Zurich. At the same time the Russian general, Suwarrow, was crossing the St. Gothard with a strong force to join his countrymen in Switzerland, but he arrived too late: he met the French advanced divisions at Altorf, and drove them back as far as Schwyz. On learning the loss of the battle of Zurich, Suwarrow, after some partial engagements, was obliged to turn, by a most difficult path over Mount Brägel and by the Klönthal, into the canton of Glarus, whence he was likewise driven by the French under general Molitor, and obliged to retire in the night, and by the light of torches, through the pass of the Krauchenthal, into the country of Sargans, on the borders of the Grisons. Soon after, the Russians left Switzerland altogether. The details of this mountain warfare among the high Alps, in which generals Lecourbe, Soult, and Molitor among the French, and Suwarrow and Hotze among the Russians and Austrians, distinguished themselves, are full of strategic interest. But the unfortunate mountain cantons were utterly ruined by this strange immigration of numerous armies of Russians, Austrians, and French, all living at free quarters upon the inhabitants, and committing many acts of violence. At the end of that campaign, one-fourth of the population of the canton of Schwyz was depending on public charity for support. In the valley of Muotta alone between 600 and 700 persons were reduced to a state of utter destitution. In the still poorer canton of Uri the same distress prevailed, in addition to which a fire broke out at Altorf, which destroyed the greater part of that, the chief town of the canton. The canton of Unterwalden had been already devastated the year before. In the valleys of the Grisons similar scenes took place; in that of the Vorder Rhein the inhabitants rose against the French on the 1st of May, 1799, killed a great many of them, and drove the rest as far as Coire. But the French soon received reinforcements, and overpowered that handful of mountaineers, upon whom they broke their vengeance, killing above 3,000 of them, and setting on fire the venerable abbey of Disentis. The inhabitants of the remote valley of Tavetsch, at the foot of the great Alps, were all butchered; the women were hunted down by the soldiers;

four of them, being overtaken, threw themselves into the half frozen lake of Toma, with their infants in their arms, and were shot at in that situation. This was on the 20th of May. The spot where their bodies were buried is still pointed out by the guides.\* During the winter of 1799—1800, the two hostile armies in Switzerland remained inactive; the Austrians occupying the Grisons and the banks of the lake of Constance, and the French, under Lecourbe, having their head-quarters at Zurich, and being in possession of almost the whole of Switzerland.

The internal administration of Switzerland was during all this time in a state of utter confusion. The semblance of an Helvetic central government was paraded first at Aarau, then at Luzern, then at Bern, and always under the protection of French bayonets. Even the partisans of the revolution were disgusted with the state of thralldom in which they were held by foreigners. "The Helvetic executive directory (says Zschokke) enjoyed no influence or consideration; it was in a manner foreign to the greater part of the nation it was appointed to govern, being chiefly composed of men from western or French Switzerland, whom the German Swiss hardly considered as their countrymen. Whilst the government was destitute of the most necessary means, whilst its officers received no salaries, nor the clergy their stipends, the commissaries, the generals, and the soldiers of France revelled in shameful profusion at the expense of the Swiss, or sent home the produce of their plunder." The two Helvetic councils styled legislative, but which in fact could not legislate to any effective purpose, were treated with absolute contempt by the French agents who had set them up. Rapinat told them that "they were nothing more than a board of administration under the French government; that Switzerland was a conquered country; that they had no national property but what belonged to the French republic." And he acted upon this principle, for he tore off the seals of the Helvetic government from the depositories of public property, he emptied the cantonal treasuries of Zurich, Luzern, and other cantons which had made no resistance, just as completely as those of Bern, Freyburg, and Soleure; he seized the funds of the public charities, and the private legacies for the poor, the aged, and the infirm. Friends and foes, democrats and aristocrats, were all treated alike. Zeltner, the Helvetic chargé d'affaires at Paris, who had himself been favourable to a change of institutions in his country, but not by such means, addressed a note of remonstrance to the French minister for foreign affairs, in which he drew the following picture of the benefits of revolutionary liberty:—"When in order to confer freedom on a people, you reduce that people to very rags—when the husbandman must abandon his plough, and the artisan his workshop—when the honest and the peaceful are stripped of their property, and the rights of every citizen are violated—then, O great na-

\* Dandolo, *Lettere sulla Svizzera, Cantone du Grigioni*. Milan, 1829

tion! you have missed your aim, and your enemies have reason to triumph. You have given us a constitution founded upon the principles of liberty and equality, but you have deprived us at the same time of all the means of enjoying those blessings. Is our political freedom to be purchased by the endurance of every kind of oppression that can weigh down an unfortunate people? . . . The consequences of such conduct may prove still more lamentable. Our Swiss mountaineers are tenacious of purpose: they are attached to their religion, their democratic forms, and their ancient manners. Bad faith and wanton outrage are revolting to them: if you reduce them to despair, you may at last form a new Vendée among the Alps." This was written in 1798, and the events of the following year verified the prediction contained in the concluding sentence. The Helvetic executive, roused at length from its submissive apathy by the innumerable complaints that poured upon it from every quarter, wrote to Schauenburg, that "the excesses of every kind committed by his troops, and their heavy requisitions and exactions, had occasioned an universal discontent bordering upon despair. Remember, Citizen-general (thus the note concluded), that in former times Switzerland and Genoa have been indebted for their liberty to the immoderate abuse of power by foreigners." Schauenburg having professed, in answer, that he had ordered strict discipline to be enforced among his troops, the Helvetic executive replied:—"Your soldiers are not satisfied with living in the barracks; they force themselves into private houses, vexing and insulting the owners, and extorting from them their last pittance, while we have no means left to alleviate the distress of the sufferers, stripped as we have been by your commissioners of the funds destined for the relief of the destitute." The celebrated Lavater of Zurich, who was himself at first favourable to popular changes in the institutions of his country, wrote a letter to the French directory, which was printed and published in several languages, and which he dated "10th of May, the first year of Helvetic slavery" (1798). "You came (says this letter) under pretence of freeing us from the aristocracy, and you have imposed upon us a yoke more intolerable than any we had before endured. When you entered the Helvetic territory, you proclaimed that your sole object was to chastise the oligarchs of Bern, Freyburg, and Soleure. The other cantons, to their shame be it said, looked on and took no part against you. Zurich voluntarily changed its government into a democracy, but your general ordered us to accept a new constitution framed by yourselves, and we submitted: a few days after, you imposed upon us another constitution for all Switzerland, and we submitted likewise to your singular fashion of imparting liberty to other countries. We then thought that we had done enough; but you came and quartered yourselves in our houses, you drained us by your exactions, and you levied a contribution of three millions upon our senatorial families, who had ruled our canton for ages according to our old con-



stitution, and certainly without incurring any charge of extortion; who had quietly resigned their offices when required to do so by their countrymen, and who therefore could not be accused of any political misdeemeanour." Lavater, the writer of this epistle, lost his life afterwards, in September, 1799, when the French re-entered Zurich by force. He had stepped out of his house, on hearing of some outrage of the military upon his neighbours, when one of the soldiers killed him in the affray, without knowing him.

The Helvetic directory or executive was in a position of much difficulty: it was unpopular with the country, and not docile enough for the French commanders. One praise it deserves among all its difficulties, — it never resorted to a system of terror, it never enforced proscriptions or confiscations; the blood that was shed in Switzerland was shed by the French military, and not by the guillotine. The revolutionary executions at Geneva in 1794 were the only exception, and Geneva was then hardly considered as Switzerland. The Swiss were too honest and moral, and were, for the most part, too deeply imbued with religious principles, to resort to such foul means for the support of political doctrines. Having attempted to put some restraint on the enormous contributions still levied by the French commanders, the Helvetic directory was suppressed in 1800, and an executive commission of seven members was appointed, *pro tempore*. Several members of the senate and of the great council being likewise ejected, the rest, jointly with the executive commission, formed themselves into a new legislative body, in order to frame that panacea for all evils, a new constitution. All this of course was done under French influence, and in imitation of the change which had taken place at Paris on the 18–19 Brumaire. Bonaparte was now first consul of France, and his will gave a fresh impulse to the current of political affairs. The new project of a constitution for Switzerland was published at last in May, 1801: the framers of it acknowledged in their preamble, that "the constitution of 1798 had been imposed by foreign power and supported by force of arms, and that it could never have secured in more orderly times the real approbation of the Helvetic people." So much for the constitution given by the French directory to its allies the Swiss, to enforce which the people of Unterwalden had been massacred, and all Switzerland had for years endured the presence of invaders, with their train of rapine, extortion, famine, and bloodshed. A general diet was convoked in September, 1801, to give its sanction to the new constitution. Meantime the peace of Luneville between France and Austria had been signed, by which the independence of the Helvetic republic was recognized. The French troops were consequently ordered to evacuate Switzerland. The provisional government of that country, in order to court popularity, had shown itself less docile to France than its predecessors; it had refused to sanction the dismemberment of the Valais, which Bonaparte wanted for his projected military

road over the Simplon; and it affected great satisfaction at the recall of the French troops.

The diet assembled at Bern in October, 1801. The new constitution, which was laid before it, maintained the principle of the unity of the Helvetic republic, of which Bern was to be the capital, whilst it made considerable concessions to the partisans of federalism, by recognising separate local governments for the internal affairs of each canton, distinct from, though subordinate to the central government of the whole republic. The cantons were to be seventeen, the names of the thirteen old ones were maintained, and the four new cantons were Aargau, Vaud, the Grisons, and the Ticino, consisting of the Italian bailiwicks. The diet adopted the new constitution with some modifications, when all at once several members exclaimed that the diet had not the power of altering the project, but could only approve or reject it; and they withdrew from the sittings. On the 27th of October some leading members of the provisional legislative body, which had framed the constitution, assembled secretly and assumed the name of legislative council extraordinary. A guard posted at the door of the hall kept it close against the other members, who in vain protested against this illegal violence. The council extraordinary appointed a new executive of three of its own members. This self-constituted authority dissolved the diet, which, in a long proclamation signed "by the president," they accused of being the cause of all the mischief. A new project of a constitution was now framed, and was published in February, 1802, to be laid before the assemblies of the respective cantons. The principle of it was nearly the same as that of the year before, but the number of the cantons was increased to twenty-one, Thurgau, St. Gall, Baden, and the Valais, being the additional cantons. But the forest cantons, who were still opposed to the principle of unity and centralization, declared themselves independent of the central government; Zurich followed their example, and their militia marched against Bern, from which both the legislative and executive councils escaped to Lausanne. A diet was held at Schwyz for the re-establishment of the old confederation of the thirteen cantons. All the factions were now awakened afresh; the towns were for their old privileges and monopolies; the old cantons wanted to resume their authority over their former subjects; the abbot of St. Gall attempted to recover his territories; the partisans of federalism were opposed to those of unity of government, who made a stand in the canton de Vaud. A civil war appeared inevitable. Bonaparte, who did not wish that Switzerland should be again plunged into confusion, or that the partisans of the old institutions should predominate, well knowing that they and their leader, Aloys Reding, were averse to French influence, sent Colonel Rapp, in October, 1802, to Berne, with a circular addressed to the cantons, offering his mediation for the settlement of all their difficulties; while at the same time he ordered general Ney to keep himself



ready with a body of troops on the frontiers of Switzerland, to enforce compliance. The message to the cantons stated that the first consul had intended not to meddle with their internal affairs, in the hope that they would come to some amicable arrangement among themselves; and as a proof of his disinterested regard for their independence, he had recalled the French troops entirely from their territory. But yet, after passing the last three years in continual disputes, they were as far removed from a final adjustment as ever. "If you are left longer to yourselves," the message proceeded to say, "you will go on killing each other for some years, perhaps, without any better chance of coming to an understanding. I must mediate between you, but I expect that my mediation shall be final, and that you will accept it as a new benefit of the Providence which, in the midst of so many vicissitudes, still watches over the existence and the independence of your nation. My mediation is now the only means you have left of preserving both." He then directed, as the preliminary conditions of his mediation, that the actual central Helvetic government should return to Bern, that the new governments, councils, and magistrates which had been instituted during the late disturbances, should dissolve themselves, and that the new levies should be disarmed. Deputies were to be sent to Paris by the Helvetic legislative council, and likewise by each separate canton, and all those citizens who during the last three years had filled situations in the central government might also repair to Paris, in order to suggest their views on the best measures to be adopted for conciliating differences.

The democratic party readily accepted the proffered mediation, but the partisans of the old aristocracies wished to gain time. Among those who repaired to Paris there was still the great division of "unitaires," or partisans of a single republic, and federalists. Bonaparte inclined towards the latter, apparently because he believed the federal principle to be the best adapted to the habits and geographical circumstances of the Swiss. The sentiments which he expressed to the Swiss deputies assembled at Paris are marked by a sincerity and disinterestedness the more striking from their singularity. "Switzerland," said he, "is like no other country; its topography, the varieties in its language and religion, and still more in its manners and social habits, give peculiar features to the land and the people. Nature itself has made your country for a federal state, and it is not wise to oppose nature. Circumstances, and the character of ages gone by, had established amongst you ruling commonwealths and subject districts. New circumstances, and the spirit of a new age, more consistent with justice and reason, have now established political equality over all the parts of your territory. Several of your cantons have followed for centuries a system of the purest democracy. In others, some families gradually possessed themselves of power, and thus the commonwealth became divided between sovereigns and subjects. The example of the political condition of your neigh-

bours of Italy, Savoy, France, and other countries, contributed also to form and to maintain this state of things among you; but the spirit of those countries is now altered, and a full renunciation of all exclusive privileges is both the wish and the interest of your people in general. The most important affair to begin with is the internal organization of each of your cantons, after which their respective relations with each other will be determined. Your central administration is, in fact, of much less importance than your cantonal one. There can be no uniformity of administration amongst you; you have never kept a standing army, your finances are of necessity very limited, you never had permanent diplomatic agents at the capitals of the other powers. Placed among the mountains which divide France, Italy, and Germany, you partake of the character of each of those countries. The neutrality of your country, the prosperity of your commerce, and a domestic and family-like administration, these are the things which suit you best. This is the language I have held to all your deputies who have hitherto consulted me about your affairs; but the very men who seemed best to understand its reasonableness were attached by interest to the old system of privileges, and had therefore a bias unfavourable to France. Nevertheless, neither France nor the Italian republic can allow a system to prevail amongst you which would be in opposition to theirs. The politics of Switzerland are necessarily allied to those of France."\*

As the Swiss deputies could not agree among themselves concerning the fundamental principles of the cantonal governments, Bonaparte called together five deputies of each party, unitarian and federalist: those of the first were the citizens Stapfer, Sprecher, Monod, Von Flue, and Ustin; and those of the federalists were D'Affry, Jauch, Reinhard, Glutz, and Wattenwyl de Montbenay. A conference took place between them and the first consul on the 28th of January, 1803, which lasted from one till eight o'clock. On this occasion Bonaparte again spoke the language of a friendly and sincere mediator. The unitarian party wanted to interfere with the pure democracies of the little cantons, to reduce the number of the *landsgemeinde* by putting a qualification on the members attending it, and to give the *landrath* or executive council the sole right of proposing laws. Bonaparte opposed this: "The re-establishment of pure democracy in the smaller cantons," said he, "is become the most suitable arrangement for them. These little democracies have been the cradle of your liberty; it is they that distinguish Switzerland from the rest of the world, and render your country so very interesting in the eyes of Europe. Without them, you would be like the rest of the continent, you would bear no characteristic sign: mark well the importance of this: it is the peculiar features of your ancient democracies which make you appear unlike any of the modern states,

\* Thibaut, *Mémoires sur le Consulat*, one of the best works concerning Bonaparte's administration.

and which thereby preclude the idea of confounding and incorporating you with the neighbouring countries. Those mountain democracies constitute real Switzerland, to which the cantons of the plain have been annexed at a later period. I know that the system of those little republics has its inconveniences, that it does not, perhaps, stand the test of reason; but, after all, it has been established for centuries; it has originated in the nature of the country, the climate, the wants, the primitive habits of the people; it suits the peculiarities of the soil, and we must not pretend to be right in spite of necessity. The institutions of the little cantons may be unreasonable, but they are established by long and still popular customs. When custom and reason are in opposition, the first generally carries the day. You wish to abolish or modify the *landsgemeinde*, but then you must talk no longer of democracies or republics. A free people does not like to be deprived of its direct exercise of sovereignty, it does not know or does not relish those modern inventions of a representative system which destroy the essential attribute of a republic. And besides, why would you deprive those shepherds of the only excitement they can have in their otherwise monotonous existence?

"With regard to the town cantons or former aristocracies," resumed he, "every exclusive family privilege being abolished, the members of the great council should be for life, subject, however, to the scrutiny of their conduct every two years. The qualifications of an elector should be his being a citizen of the canton, and being possessed of at least 500 Swiss francs of property. No bachelor should vote before he is thirty years of age. The elections should be direct and not through the electoral bodies. Each tribe or district should choose among the candidates of other districts. The little council or executive should be renewed by one-third every two years.

"In the new cantons, formerly subject to the old cantons, the social principle being more popular and democratic, the members of the great council should not be for life. This ought to be the principal difference between the new cantons and the old ones. With regard to other details, the organization of the judicial system, &c.—these," observed the first consul, "ought to be left to the legislature; the constitution is merely to determine the mode in which the laws are made. If the constitution enters into too many details, it becomes liable sooner or later to be violated. With regard to the institution of the jury," continued he, "it might prove dangerous in times of political excitement, for then juries are apt to judge through passion. We at least find it so in France."

Such was the basis of the constitution of the nineteen cantons by the Act of Mediation of 1803. The cantons might be classed in three categories: 1. The pure democracies of Schwyz, Uri, Unterwalden, Glarus, Appenzell, Zug, and the Grisons. 2. The representative republics, in which there was an admixture of the aristocratic element, without, how-

ever, any family privilege: these were the old town cantons of Bern, Zurich, Luzern, Freyburg, Soleure, Basil, and Schaffhausen. 3. The new cantons, Aargau, Thurgau, St. Gall, Vaud, and Ticino, which were representative republics on a democratic principle.

In discussing the form and attributes of the central government the first consul told the deputies that when he returned from Italy in 1797, being consulted by the directory on the affairs of Switzerland, he gave it as his opinion that the Pays de Vaud should be detached from Bern and formed into a separate canton; that the number of the patrician families of Bern and of the other aristocracies should be quadrupled, in order to secure in the councils a majority favourable to France, as it was for the interest of France that Switzerland should be its ally, because it protected a vast line of its frontiers, "but never," added he, "did I mean to make a revolution in your country. I never thought of uniting you to France, for you could not bear the charges which the French are obliged to sustain. This mediation in your affairs has given me, I assure you, a great deal of trouble, and I hesitated long before I embarked on it. It is a difficult task for me to give constitutions to countries which I know but very imperfectly. Should my appearance on your stage prove unsuccessful, I should be hissed, which is a thing I do not like. . . . But now all Europe expects France to settle the affairs of Switzerland, for it is acknowledged by Europe that Switzerland as well as Italy and Holland are at the disposal of France." In conclusion, Bonaparte observed that the attempt to unite Switzerland into one republic had completely failed; that a federal diet, consisting of deputies named by the various cantons, should assemble every year in one of the principal towns, and decide upon all matters which concern the whole confederation, as well as mediate in all differences between one canton and another; and that there should be no central directing canton, but that the landamman of the canton where the diet meets for the year should transact all federal affairs.

The Act of Mediation being composed upon these principles, it was solemnly delivered by the first consul at a public audience (19th February, 1803) to citizen Barthélemy, who gave it afterwards to the citizen D'Affry, who was named landamman of Switzerland for that year, (1803.) The Swiss deputies soon afterwards returned home, when all the cantons sent addresses of thanks to the first consul, and the new constitutions being put in force, the few French troops which had entered Switzerland finally evacuated the country.

From that time till 1814 Switzerland enjoyed internal peace. There were at first some ebullitions among the peasantry, especially in the canton of Zurich, when some of the country people refused to take the oath to the new constitution, and at last broke out into open revolt. They were, however, soon put down by the militia, their leaders were sentenced to death, and the disorderly communes were fined a heavy

sum. This was like the last heaving of the revolutionary wave. During the years of confusion that had passed over Switzerland, the peasantry had attempted to free themselves from the payment of tithes, ground-rents, fines on alienations, and other manorial charges, for popular commotions, generally assume, sooner or later, the shape of resistance to payment, whether just or unjust. None of the Swiss governments, however, whether aristocratic or democratic, would sanction such an infraction of social contracts: they authorized an equitable commutation, but nothing more. Even the property belonging to the convents was restored to them.

Napoleon's mediation in the affairs of Switzerland was perhaps the most liberal act of his whole political life; it was certainly the one of which he observed the conditions most faithfully. During the eleven momentous years that followed, throughout the headlong career of his ambition, in the midst of the gigantic wars of the empire, he respected his own work, the independence of Switzerland. That little country, surrounded by immense armies, rested in peace amidst the din of battles, and the crash of falling empires. No foreign soldier stepped over its tranquil boundaries. It was the only remaining asylum on the continent where individual security and freedom were still to be found. The Swiss were the only people exempt from the tyrannical code of the conscription: they furnished, however, a body of 16,000 men to the French service, as they had done under the old monarchy, but it was raised and kept effective by means of voluntary enlistment. When the war broke out again in 1805 between France and Austria, Switzerland received from both powers the assurance that its neutrality should be respected, a promise which was scrupulously maintained. After the peace of Tilsit, however, and still more after that of Schoenbrunn in 1809, as Napoleon's plan of universal monarchy seemed to develop itself, the more clear-sighted among the Swiss began to fear for the stability of their institutions; they dreaded some fresh caprice of the great conqueror, whose tone towards them had become gradually more harsh and imperious. He sharply rebuked the agent of the confederation at Paris for certain expressions used by some deputy or deputies in one of the diets in speaking of himself and his policy, which he considered as too free and disrespectful. He strongly complained of the cantonal governments suffering Swiss regiments to remain in the pay of Great Britain; although it was well known that the cantons had neither authorized those corps to remain in the English service, nor would they have been obeyed by the officers and soldiers had they recalled them, since those regiments had bound themselves by oaths to serve Great Britain till the peace. Napoleon also insisted on the strict observance on the part of the Swiss of his continental system; and threatened to enforce it himself by means of his troops, were he to ascertain that any English goods found their way into that country. The Valais, a

country formerly allied to Switzerland, he finally annexed to the French empire; and there were rumours that he meditated doing the same with the canton de Vaud, according to his recorded maxim, that all countries of which the inhabitants spoke French belonged naturally to France. Neuchâtel he had already taken from Prussia, and given to Berthier, one of the princes of his empire.

Meantime, and amidst all the gloomy forebodings which weighed on the minds of reflecting men, Switzerland was making considerable progress in the arts of industry, and in the career of intellectual and social improvement. Manufactories were established in the valleys of the Alps, in Appenzell, Glaris, St. Gall, and other cantons, affording employment and subsistence to the redundant population of those districts, the soil and climate of which are little favourable to agricultural pursuits. The great canal of the Linth, between the lakes of Wallenstadt and Zurich, by which a large extent of marshy ground was drained, was completed by subscriptions to the amount of 1,500,000 francs; agricultural meetings were held, and scientific and literary societies were formed all over Switzerland. Industry and commerce, freed from the shackles of monopoly and municipal jealousy, took a wider range. Schools were established in most cantons for the country people, whose education had been theretofore sadly neglected; the events of late years had begun to teach the Swiss that there can be no real liberty for a nation without general instruction, and no general instruction without a system of wise and national education. A new military organization trained all the young men to the exercise of arms, and settled the quota of men which every canton was to furnish in cases of emergency for the common defence of the country. Many ancient laws, partial or cruel, were abrogated or mitigated. Two celebrated establishments for education, that of Pestalozzi at Yverdon and that of Fellenberg at Hofwyl, owed their origin, or at least their maturity, to the period of which we are speaking. Journals, political and literary, were multiplied at the same time in almost every canton of Switzerland.

The Russian campaign of 1812 took place too far from Switzerland to affect its tranquillity, but when in the following year the armies of all Europe were assembled in Germany, the Swiss saw with alarm that the tide of war was once more approaching their frontiers. After the battle of Leipzig, in October, 1813, the allied armies came in sight of the Rhine. An extraordinary diet was summoned in the month of November, which issued a proclamation asserting the neutrality of the nineteen cantons, and this was communicated both to Napoleon and to the allied sovereigns. Some militia were ordered at the same time to guard the frontiers of Switzerland on the line of the Rhine. But the allied sovereigns, while they offered to guarantee the neutrality of the cantons, insisted on their troops crossing part of the Swiss territory in order to enter France by its eastern and most vulnerable frontier. They urged that the conflict

in which they were engaged was no ordinary war for private interests, but was a rising of Europe in arms to free itself from the intolerable ambition of one man, who would not allow other nations to remain at peace, or to be masters in their respective countries. They admitted that the Swiss, of all the people of Europe, had perhaps the least reason to be dissatisfied with Napoleon, and accordingly were not called on to take up arms against him; but on the other hand they were required not to oppose the united nations who were advancing in their own defence to obtain peace by force, since it could not be gained from Napoleon in any other way. On the 19th of December a conference took place at the advanced posts of the allies near Basel, at which count Bubna, the Austrian commander, told the Swiss deputies that the allied troops would enter the Swiss territory on the following day, and proceed to France by the most direct road, and that it now depended on the Swiss authorities whether they would oppose them and be treated as enemies, or allow them to pass and be considered as friends, in which last case the soldiers of the allies should maintain the strictest discipline, and the greatest regard would be paid to Swiss property of every kind. The Swiss authorities in this unavoidable emergency entered into a convention with the Austrian commanders, by which the march of the troops was to be regulated. On the 21st of December, the Austrians entered Basel, and marched into Alsace, whilst others of the allies went through Soleure, Bern, and Vaud to Geneva and Lyons. They behaved, according to their promise, with marked deference towards the inhabitants. This diversion was of the greatest advantage to the allies for the final campaign of 1814.

Meantime two envoys of Austria and Russia, MM. Lebzelter and Capo d'Istria, repaired to Zurich, where the diet was sitting, and delivered a note from their sovereigns, stating that "the Act of Mediation having been the work of a foreign influence inimical to the rest of Europe, was incompatible with the principles of the great European confederation, and that the allied powers, without pretending to interfere in the internal affairs of Switzerland, could not allow that country to remain any longer under the tutelage of the French emperor." Upon this, nine of the old cantons, with Zurich at their head, named deputies who met at Zurich on the 29th of December, and after declaring that the Act of Mediation was dissolved, addressed an invitation to all the other cantons, old and new, acknowledging their independence, and the integrity of their respective territories, and urging them to send deputies without delay in order to constitute a new federal pact. This liberal and disinterested step on the part of Zurich saved Switzerland from new misfortunes. The invitation was acceded to by all the cantons, with the exception of Bern, Freyburg, and Soleure, who demanded that the old federation of the thirteen cantons should be re-established. Bern had already assumed a tone of authority towards its former subjects of

Vaud and Aargau, and by proclamations, dated 22d and 24th of December, had invited them to return to their allegiance. The two cantons instantly refused compliance. The diet assembled at Zurich laid the foundations of a new federal pact on the basis of the independence of the nineteen cantons, and at the same time sent deputies to the emperor Alexander, the emperor of Austria, and the king of Prussia, who had met at Basel in January, 1814. The new cantons had a powerful advocate in the person of Mr. De la Harpe, a native of Vaud, who had been tutor to the emperor Alexander; and there is no doubt that the support of that sovereign saved both Vaud and Aargau at that time from falling again under the rule of Bern, and consequently prevented a reaction over all the rest of Switzerland, and a return to the old system of sovereigns and subjects, and of exclusive aristocracies. The results of this beneficial influence were soon felt. The ministers of Austria and Russia addressed a note to the diet, dated the 20th of January, in which they urged that assembly to accelerate the new organization of Switzerland, and to press the dissenting cantons to send their deputies to Zurich for that object. But even after this, Bern, Soleure, and Freyburg persisted in their refusal, unless the basis of the old thirteen cantons was first acknowledged. After many discussions and delays, the ministers of Austria, Russia, and Prussia, accredited to the diet, signified in March, 1814, "that their sovereigns were ready to acknowledge the new federal constitution on the basis of the nineteen cantons as then existing." This decided the question, and Bern itself now saw the propriety of no longer refusing to send its deputies to the diet. Still many claims and cavils were brought forward by several of the old cantons, which gave rise to long altercations, protests, and counter-protests. Months after months were passed in this manner, until August, 1814, when a strong note was presented by the foreign ministers, who had now been joined by Mr. Stratford Canning, minister of Great Britain, in which "they expressed their deep regret that the plan of the new federal pact was not yet fixed, owing to the pretensions assumed by certain cantons, which had thrown discord into the councils of the diet. They exhorted those cantons to lay aside for the present the consideration of all questions which were not of a general interest, and to set to work with national zeal for the common object of the federal organization of their common country; upon which condition they, the ministers, promised to exert themselves strenuously to obtain equitable compensations for their just claims, and especially for those of the canton of Bern. Should, however, their present recommendation not succeed in restoring unanimity to the national councils, the ministers would find themselves unable to continue their relations with the diet."

The above note produced a most beneficial effect, for it silenced effectually the unreasonable pretensions of the partisans of the old order of things. At the same time the allied powers gave another proof of



their favourable disposition toward Switzerland by restoring to it the territories formerly dependent on the bishop of Basel, which had been annexed to France. These territories, which form a natural portion of Switzerland on the line of the Jura, were annexed to the canton of Bern as a compensation for its losses on the side of Aargau and Vaud. The Valais was likewise reunited to Switzerland, of which it became a canton. Neuchatel, being restored to the possession of the king of Prussia, as its suzerain prince, was also at its own request admitted as a canton of the Swiss confederation. Lastly, Geneva, having recovered its independence by means of the allied arms, requested to become an internal part of Switzerland, of which it had been for ages an ally, and was readily received into the confederation as an additional canton. The new federal pact included, therefore, twenty-two cantons, all equally independent as sovereign states, and all forming integral parts of one confederacy: there were no longer partial allies, no longer subjects, or any other of the anomalies which disfigured and weakened the old Helvetic league. Switzerland was now, what it had never before been, a compact body, resting upon its natural frontiers, the Alps, the Jura, and the Rhine. In this respect the decision of the allied powers in 1814 was much more favourable to Switzerland than Bonaparte's act of mediation of 1803, which, by detaching from it the Valais, Geneva, the bishopric of Basel, and Neuchatel, broke into its boundaries and kept it in a condition of weakness and of dependence upon France. Still it may be said that Switzerland was remarkably fortunate in both instances. By the act of mediation she obtained the most favourable terms she could possibly have expected from a man who had in all his decisions a latent thought towards his own supremacy, or at least towards that of France, and whose friendship always partook of the character of bondage; while in 1814 the allied powers, having no object of the kind in view, acted more liberally and cordially in strengthening Switzerland as an independent state, which might form a barrier against any future encroachments from France.

The decision of the allied powers was embodied in a solemn declaration, which was inserted in the protocol of the congress of Vienna, dated the 19th of March, 1815, and which was signed by the plenipotentiaries of Austria, France, Great Britain, Prussia, Russia, Sweden, Spain, and Portugal. This document contains "the acknowledgment and guarantee, on the part of all the powers, of the perpetual neutrality of Switzerland within her new frontiers." The diet assembled at Zurich, in acceding cordially to this declaration, expressed "their warmest gratitude for the generous and friendly interference of the allies."

The return of Bonaparte from Elba caused a temporary alarm in Switzerland. The Swiss felt that they had reason to dread his resentment were he to reassume his political ascendancy; Geneva in particular, which had formed part of his empire, was threatened by his arms;

but the diet sent troops for its defence, and collected a considerable force on the line of the Jura. An Austrian army, under general Frimont, advanced also by the Simplon and the shores of the lake of Geneva, so as to repel the French attacks in that quarter. Meantime the battle of Waterloo defeated all the schemes of Napoleon, and Switzerland was restored to tranquillity and to the consideration of its internal arrangements.

On the 7th of August, 1815, the federal compact of the twenty-two cantons was finally signed by all the deputies in the diet assembled at Zurich. The deputies then repaired in procession to the münster or cathedral of Zurich, where they bound themselves by a solemn oath, and in the name of their constituents, to the faithful observance of its enactments. Without transcribing here the whole text of the federal pact which forms to this day the general constitution of Switzerland, and which may be found in Martens's Supplement and other collections of diplomatic and historical documents, we may notice some of its most important provisions. "The twenty-two sovereign cantons of Switzerland, namely, Zurich, Bern, Luzern, Uri, Schwyz, Unterwalden, Glarus, Zug, Freyburg, Solothurn or Soleure, Basel, Schaffhausen, Appenzell, St. Gallen, the Graubundten or Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel and Geneva, unite for the maintenance of their liberty, their independence, and security against any attacks from abroad, as well as for the preservation of order and tranquillity in the interior. They guarantee each other reciprocally their respective territories. For these purposes a contingent of troops shall be furnished by each canton whenever required, in the proportion of one to fifty of its population. A pecuniary quota for defraying the military and other general expenses of the confederacy shall be paid by each canton in proportion to its property and resources. A war-fund shall also be formed to meet exigencies, and for this purpose a federal duty shall be levied on foreign goods imported into Switzerland, which are not articles of first necessity. The diet fixes the tariff as well as the rates to be paid by each canton." The united federal contingents of all the cantons which must be disciplined, and furnished with clothes and arms, ready to march when required, amount to about 34,000 men, and the reserve in case of need to as many more. Thus, without keeping any standing army, Switzerland can in a few days assemble nearly 70,000 men for its defence.

The diet consists of the deputies of the twenty-two cantons, who are chosen by their respective governments, and who vote according to the instructions they have received from their constituents. Each canton has only one vote, although it may send more than one deputy to the diet. The diet meets for its ordinary sessions on the first Monday of July every year, in the chief town of one of the three vororts or directing cantons, Zurich, Bern, and Luzern. Each of these three is vorort by turn for two years. The little council or executive of the directing can-

ton for the time being, with its landamman or burgomaster at the head, is intrusted with the direction of the federal affairs during the time that the diet is not assembled. The ordinary sessions of the diet last about five weeks, unless the diet sees reason to declare itself permanent. The diet, before closing its yearly session, gives its instructions to the directing canton. The directing canton is assisted in its duties by a federal chancery, consisting of a chancellor and a secretary, both appointed by the diet. Whenever urgent circumstances may require it, or simply on the demand of five cantons, the directing canton convokes an extraordinary session of the diet.

The diet declares war, concludes peace, and makes alliances with foreign powers, and on these occasions three-fourths of the votes are necessary to constitute a majority. All other affairs are decided by simple majority. The diet appoints the diplomatic agents of the confederation. Foreign ministers and agents are accredited to the diet, and during the intervals of its sittings they correspond with the directing canton. The diet provides for the internal and external safety of Switzerland, calls out the federal contingents when it thinks it necessary, appoints the commander in chief, the general staff, and the federal colonels, and directs the destination and movements of the federal army. In cases of disputes between two cantons which cannot be amicably arranged between themselves, the diet appoints an arbitrator, who is assisted by umpires chosen by each of the two disputants from among the magistrates of another canton: these, after trying a compromise, pass final sentence on the matter in question, which sentence the diet sees carried into effect. No canton is allowed to have recourse to arms against another canton, and the diet may order the occupation by a federal force of any canton which shall infringe this or any other of the fundamental laws of the federal pact. In cases of internal disturbances within a canton, the diet shall act the part of mediator, and meantime put a stop to violence even by means of military occupation, if necessary.

It will be seen by the above statement that the federal government of Switzerland is less centralized than that of the United States of North America, or than that of the United Provinces of Holland in former times. There is, properly speaking, no permanent federal executive, like the president of the United States, having officers, a treasury, and forces at its disposal; and the diet is merely an assembly of delegates of the various cantons, who decide according to the instructions they receive from their respective governments.

The other provisions of the federal pact are liberal and equitable in their spirit. One of them states that "the enjoyment of political rights can never in future be the exclusive privilege of any one class of citizens in any one canton. Free importation and exportation of provisions, or merchandise, or cattle, shall be allowed from one canton to another, without any import or export duties. The property of

chapters and convents, which exist in several cantons, is guaranteed, but at the same time it is liable to the public charges and taxes like any other private property.

"This federal pact," says Frascini, as well as other liberal writers, "cannot be said to have been imposed upon us by foreign influence. Whatever is in it, whether of good or imperfection, has been the work of the Swiss. It contains principles entirely national, some of which date from the oldest times of Swiss independence, whilst others are taken from the act of mediation of 1803, or are improvements upon the latter."

Whilst the federal pact was under discussion, most of the cantons were also making alterations in their respective constitutions. The ministers of the allied powers, and especially count Capo d'Istria, minister of Russia, and M. von Schraut, the Austrian minister, while corresponding with the diet on the subject of the general constitution, had adverted to the expediency of making some alterations in the cantonal constitutions, so as to render them more analogous in principle to each other, and more conciliatory to the interests of the various classes and parties existing in Switzerland. It was suggested by the ministers that, leaving the pure democracies untouched, the aristocratic or town cantons, several of which had, in the first moments of reaction, re-established their former institutions which existed previous to 1798, should recognise the principle of community of political rights between town and country, and that the new cantons on their part should admit modifications in their mode of elections and the formation of their legislatures, so as to give a greater influence to property, and a greater stability to their governments. Conferences took place between Count Capo d'Istria and the deputies of several of the new cantons, especially those of Vaud, in which the general principle of the alterations suggested was discussed. The various cantons appointed commissions to revise their respective constitutions, and this labour being completed in the course of 1814, the new cantonal constitutions were laid before the diet, by which they were guaranteed, and copies of them were deposited in the federal archives.

The constitutions of the twenty-two cantons, as established in 1814, might be ranged into three classes, according to the prevailing principle of each. The first class is that of the pure democracies which remained unaltered in their principle. The cantons thus constituted are the old mountain cantons, namely Schwyz, Uri, Unterwalden, Glarus, Zug, and Appenzell. To these may be added two more cantons, the Grisons and the Valais, which were formerly only allies of the Swiss, but are now, as we have seen, integral parts of the confederation. These two states are composed of a number of small democracies, one in each valley, having each its own councils and magistrates, who administer all internal affairs, and who send deputies to a great council or cantonal diet which

exercises the higher legislative powers in matters concerning the whole state. The laws, however, which emanate from this great council are submitted to the approbation of the assemblies of the people of each valley or district. These states, in short, constitute confederations in miniature, similar to the great Swiss confederation of which they form a part. In the Valais the forms are less democratic than in the Grisons, the lower Valais not having an equality of votes with the upper Valais, indeed it will be remembered that previous to 1798 the lower Valaisans were subjects of the upper or German Valais. The bishop of Sion has also a vote in the general diet of the Valais. In the Grisons, on the contrary, a system of perfect equality exists between the inhabitants of the numerous valleys or districts of that Alpine region.

The second class of cantons consists of those in which aristocratic privileges had been enjoyed for centuries by the principal town of the respective canton, or in some instances by a particular or patrician class of the inhabitants of the head town. These cantons are seven in number; namely, Zurich, Bern, Freyburg, Soleure, Luzern, Basel, and Schaffhausen. All these were originally, as it has been already seen, free imperial towns and places of refuge in the middle ages against feudal oppression. We have seen also how, after the declaration of independence by the three Waldstätten or forest cantons, these imperial towns, one after the other, renounced their allegiance to the empire and joined the confederation. In their new condition of sovereign independent states, their municipal administration continued to form the basis of their constitution; and thus the trades or corporations in one town, or the patrician families in another, furnished the members to the legislative and executive councils. The country districts, being mostly conquered or purchased from the neighbouring barons, transferred their allegiance to their new masters of the towns, and they were decidedly gainers by the exchange. But as, in the course of ages, the country districts grew in wealth, population, and industry, and villages became flourishing little towns, the inhabitants began to murmur at the exclusive privileges of the cities. This led to tumults and insurrections, and this feeling of discord mainly contributed to the catastrophe of 1798. By the Act of mediation of 1803 all exclusive privileges were abolished, but the qualifications required of the candidates for seats in the councils, joined to the duration for life of the office of councillor, secured a considerable influence to men of property and of old families. In 1814 the towns, or at least a party in each of them, strove to resume their former authority over the country, but owing to the resistance they met with, and still more perhaps to the conciliatory suggestions of the foreign ministers, a compromise was entered into, and the towns agreed that the country districts of each canton should return about one-third of the members of the legislature. All monopolies which formerly fettered trade and industry had been abolished, and were not revived. The

towns acknowledged the principle of political rights being common to all classes in the state, but at the same time, by retaining the majority of the seats in the councils for themselves, they were enabled to legislate for the rest of the country, and often in spite of it, and they likewise retained the disposal of offices and emoluments in their own hands. The town of Zurich, for instance, returned 130 members to the great council, and the rest of the canton eighty-two. The town of Basel returned ninety members out of 154. That of Schaffhausen forty-eight out of seventy-four. Bern 200 out of 299. Luzern fifty out of 100. Soleure sixty-eight out of 101. Freyburg 108 out of 144. In this last canton alone an aristocracy of patrician families was recognized by the law, and the members for the capital were to be selected from among those families. In all other cantons there was no aristocracy *de jure*, but all the citizens were admissible into the councils. So far the constitutions of 1814, with the exception of that of Freyburg, retained the principle of equality of rights as acknowledged by the Act of mediation, but they circumscribed it materially in practice with regard to the country districts, and also by the mode of the elections. The qualifications for members were likewise considerably high. Still the constitutions of 1814 were more equitable in their principle, in all the town cantons, not excepting Freyburg, than the former exclusive ones which had existed previously to 1798.

The third class was that of the new cantons formed since 1803 out of the former subject districts or bailiwicks; namely, Aargau, Thurgau, Vaud, Ticino, and St. Gall. The constitutions of these, as settled by the act of mediation, were popular, and framed on the principle of equality of rights among all classes of the citizens of each canton. The canton was divided into circles, and the electors of each circle sent three members, having certain moderate qualifications, to the legislative council. The duration of their functions, unlike that of the councillors in the town cantons, was limited. The distinction between the three powers, legislative, executive, and judicial, was strictly defined. These constitutions were remodelled in 1814, and a curious system of elections was then established, contrived, as it was said, to give to property a greater influence in the state. The great or legislative council was renewed one-third at a time, and at fixed periods. The mode of elections was triple: one-third of the new members was elected directly by the assemblies of the circles as heretofore. These assemblies furnished besides a list of four candidates for each circle possessed of a higher qualification than the directly chosen members, and out of these lists the great council itself chose one member for each circle; and thus another third of the vacant seats was filled. Lastly, an electoral commission, composed of the council of state or executive, of the judges of the high court of appeal, and of a certain number of other members of the great council, chose the remaining third chiefly from among the wealthier landed proprietors. The duration of the functions of each

member was in some cantons of twelve years, in some of eight, in others of six; but in all the members could be re-elected. The great council chose the members of the executive and of the higher court of appeal out of its own body, and the members thus chosen continued to sit as legislators. The right of proposing measures belonged exclusively to the council of state or executive, whose projects of law could only be either accepted or rejected by the great council, but not amended. The consequence of this system was that the new cantons, while professing to be popular in opposition to the old aristocratic ones, were ruled in fact by a certain junto of individuals, who having once secured their seats, elected or re-elected their friends as their colleagues, who, in their turn, re-elected them, and thus a self-electing majority was perpetuated. In the old aristocratic cantons considerable concessions at least had been made to the classes previously excluded from all share in the government, while the new cantons, created of yesterday in the name of the people, were now retrograding into a sort of oligarchic system, for which no precedent or prescription could be alleged.

Two more cantons, completing the number of twenty-two, have not been mentioned in the above sketch. One is Geneva, formerly an ally of Switzerland, afterwards incorporated with France, and at length restored to its independence by the allied sovereigns, and received into the bosom of the Swiss confederation. The institutions of this little state, which formerly resembled those of the aristocratic cantons, were modified in 1814 so as to give the elective franchise to all the citizens, but then the nomination of part of the legislature was left to an electoral body composed of the actual and late members of the great council, with the addition of some elders and clergymen. The mode of election and the formation of the councils resembled those of the other new cantons. The last canton which remains to be mentioned is Neuchâtel, which being restored in 1814 to the king of Prussia as its prince, was at the same time, and at its own request, admitted into the Swiss confederation as one of the Swiss cantons. The constitution of Neuchâtel is peculiar, but its main principle is that of a constitutional monarchy. The king of Prussia, as prince of Neuchâtel, swears on his accession to maintain the constitutional rights of the country: he cannot appoint any but natives to civil or military offices, with the single exception of the governor, or king's lieutenant, who is generally a Prussian officer. No one can be dismissed from his employment, except for misconduct or incapacity, proved on trial before the proper court. No native of Neuchâtel can be tried out of his country, and the persons and properties of all are protected by the laws. Commerce is perfectly free: every one can leave the country or return whenever he pleases, or settle anywhere without losing his rights as a citizen. Foreigners may settle in the canton, and enjoy the same protection as natives. No new tax can be levied, and no law can be enacted or abrogated without the ap-

probation of the national representatives assembled in the "General Audiences." This assembly is composed of seventy-five members, sixty-five of whom are elected by the suffrages of the distinct assemblies of all the people, with the exception of paupers, bankrupts, and condemned criminals. The other ten are appointed by the prince. Formerly the prince appointed forty-five of the members, which constituted the majority, but the present king of Prussia, after his restoration to the principality, reduced of his own accord the number to ten, giving the nomination of the rest to the people. The sessions of the Audiences are opened and closed by the lieutenant of the prince, but not more than two years must elapse between the closing of one session and the opening of the next. The prince has the executive power, which is exercised in his name by his lieutenant, and a council of state; and he appoints the judges, mayors, and other public officers. Sentences in criminal matters must be approved by the executive, the prince having the power of mitigating the penalty. The towns of Neuchâtel and Valengin have municipal privileges, and they appoint their own councils and magistrates for local matters.

Such are the outlines of the constitution of this little state or principality, by which it has risen to a remarkable degree of prosperity under the protection of the princes of the house of Brandenburg, who have been its sovereigns for more than a century. When, in 1815, Neuchâtel was received into the Swiss confederation as a canton, its institutions as a principality remained unaltered; it was a constitutional monarchy which became allied by permanent federal bonds to the republican states of Switzerland, retaining like them its independence as a sovereign state, and its peculiar form of government. This ought to be borne in mind whenever any discussions arise in the federal diet concerning the internal affairs of Neuchâtel

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The authorities for the 6th period are very numerous: they consist chiefly of extracts from the political pamphlets and newspapers of the times; among others the French *Moniteur*, the orders of the day, and dispatches of the French generals in Switzerland; the acts and state documents of the various authorities which succeeded each other in that country; the correspondence of Mengaud, general Montesquiou, &c., with the executive at Paris; and for later events, Thibaut's *Mémoires du Consulat*; and for those which followed Napoleon's abdication, the *Mémoire Historique sur la Constitution du 4 Août, avec un Aperçu des autres Constitutions qui ont régi le Canton de Vaud depuis 1798, considérées essentiellement sous le Rapport du Système Electoral; présenté par le Conseil d'Etat au Grand Conseil du Canton de Vaud dans*



*la Session de 1830*, containing a well-written recapitulation of the negotiations between the allied powers and the Swiss cantons in 1814-15. Among the professed historical narratives of the calamitous invasion of Switzerland by the French in 1798, two deserve to be mentioned; namely, *Geschichte vom Kampf und untergang der Schweitzerischen Berg und Wald Kantone, besonders der alten eydgenoss, Kantons Schwytz*; by H. Zschokke; and Mallet du Pan, *Essai Historique sur la Destruction de la Ligue et de la Liberté Helvétique*. Londres, 1798.

## SEVENTH PERIOD,

FROM THE NEW FEDERAL PACT OF 1815, TO THE INTERNAL CHANGES WHICH HAVE TAKEN PLACE IN THE CONSTITUTIONS OF MOST OF THE CANTONS IN 1830—8.

DURING the fifteen years which elapsed from 1815 to 1830, Switzerland enjoyed profound tranquillity. The general condition of the country might be called prosperous; the anomalies which we have described as existing in the institutions of many of the cantons were felt and commented upon as matters of speculative politics; there were no acts of crying oppression on the part of those who had seized the helm of the government, but there was a want of improvement and a general languor in the administration. The civil and criminal laws, in most cantons, remained as they had been of old, defective and encumbered with the rust of the middle ages. The education was improved in several districts, but not all over the country, no general system of popular instruction being enforced. The press was in most of the cantons under a strict censorship. The sittings of the cantonal councils, and of the federal diet, were kept close, and no report of their discussions was published. In short, most of the Swiss states, although under republican names and forms, were really less popular in their institutions than several of the constitutional monarchies of Europe. The same men remained in power and office, as if they had been appointed for life. Petitions were from time to time presented in several cantons for the revision of the constitutions of 1814, but were everywhere rejected by the councils. The first alteration of this state of things took place in the canton of Ticino in May and June, 1830. Thus it cannot be said that the reform in Switzerland was altogether a consequence of the French revolution of July of that year, as it had already begun before that event, which, however, hastened its progress in the other cantons. It must be observed, also, that the abuses in the government of Ticino seem to have been of a graver character, or at least to have led to graver consequences, than in the rest of Switzerland. From the statements published at the time, it would appear that great corruption prevailed in the councils; that offices were openly sold; that bribery was used to influence the courts of justice; and that men were kept in prison for years without

being tried. The canton of Ticino is also one of those in which the intellectual and moral condition of the mass of the people stands lowest.

On the 1st of May, 1830, the commune of Lugano assembled according to the existing forms, in order to elect its municipal magistrates. After the election, the syndic Luvini, in returning thanks, spoke of the general wish of the people for a reform in the constitution. The assembly applauded, and the speech was printed and distributed. The other communal assemblies followed the example of Lugano, and expressed similar sentiments. Some members of the executive council proposed measures to repress these manifestations of the popular will, but the council refused to adopt them. The legislative council assembled according to custom on the 7th of June, and the president, Lotti, spoke in favour of reform. The executive council then, by virtue of its exclusive right of propounding measures, proposed a project of constitution on liberal principles, which, after a long discussion, was adopted by the legislature, and submitted to the general assemblies of the districts, who sanctioned it; after which the new constitutional law was proclaimed. It established the direct system of electing all the members of the legislature, the elections to take place every four years. The members of the executive, and those of the upper courts of justice, cannot be at the same time members of the legislative council. Members of the legislature are not to fill any situations under the executive. The sittings of the legislative council are public. The liberty of the press, the inviolability of persons, and the right of petition are guaranteed. No tax can be imposed unless it is sanctioned by a majority of two-thirds in the great council. The present constitution cannot be modified until twelve years shall have elapsed from its enactment, and then any alterations proposed in it must be submitted to the approval of the primary assemblies of the people.

Such are the fundamental principles which were first adopted by the canton of Ticino, and have been since promulgated in all the other representative cantons of Switzerland. Equality of political rights among all the citizens of the state, direct elections of the members of the legislature, duration of their functions limited to a certain number of years, separation of the three powers, legislative, executive, and judicial, publicity of debates, liberty of the press, subject to fixed laws against libels, inviolability of person and property, and the right of petition; these seem all to be essential to the very nature of a republican government, although no republic, in Europe at least, whether in ancient or modern times, ever before acknowledged them or practised them to their full extent. In all former republics, whether of antiquity, of the middle ages, or of modern times, whether in Italy, Switzerland, Germany, or Holland, or in the ephemeral republics raised by the French at the end of the last century, political rights have been the exclusive portion of one class or portion of the community, the mode of election has been

vicious in the extreme, and individual liberty and security have never been the lot of the whole people. The very name of republic was in contradiction to the existing practice of those governments.\*

The example given by the canton of Ticino, being followed by the events of Paris, which partly removed the fears which the Swiss might have entertained of any foreign interference in their internal affairs, decided the movements in the other cantons. Towards the end of 1830, the councils of Aargau and Vaud, after some popular tumults, which, however, were unattended by bloodshed, were obliged by the public voice to appoint commissions in order to frame a new constitution; and this was done on a basis similar to that of the Ticino. Thurgau and St. Gall did the same, but in a more quiet and conciliatory spirit. In the old aristocratic or town cantons the opposition was stronger. The struggle was not only, as of old, for an equality of rights between town and country, but the towns were also divided within themselves, many of the citizens wishing for a system of direct elections, and a more general distribution of offices. At Zurich, a petition from the country districts was addressed to the burgomaster or chief magistrate, demanding a revision of the constitution, for the sake of a more equal distribution of rights between town and country. After much debate in the great council, a committee was appointed, which framed a new plan of elections, by which the country should return two-thirds of the members and the town of Zurich one-third. It was argued that, although the town did not constitute more than one-thirteenth of the population of the whole canton, yet, in consideration of its superior wealth and industry, the large share it bore of the public taxes, of its public institutions and benevolent foundations, and lastly, of its decided superiority in intelligence and instruction, it ought, in justice to itself as well as for the general advantage of the country, to have a preponderant share of the representation, without regard to the mere calculation of numerical proportion. To this the country people agreed, and the same principle was also adopted in the new constitutions of the other town cantons, such as Luzern, Basel, Schaffhausen, &c. It was not thought prudent to leave the towns, in which most of the wealth and resources of the state were centred, entirely at the mercy of the country people, whose ignorance, jealousy, and recollection of former grievances, might be easily inflamed by designing men, and might break forth into measures of violence, by which the property and the very existence of the towns might be endangered. And that this supposition was not unfounded, the example of Basel soon after proved. Basel is the wealthiest town in Switzerland; large capitalists, merchants, and manufacturers reside in it; it paid three-fourths of the whole taxation of the canton; it has

\* The mountain cantons of Switzerland may be considered as an exception from the above general remark, but they were pure, and not representative, democracies—a form of government suited only to small districts; and, besides, they also had their subjects.

a university, library, hospitals, houses for the destitute, &c. By the old constitution of 1814, the city of Basel returned ninety members to the legislature, and the rest of the country sixty-four. A plan of reform, drawn out in 1830 by a commission composed one-half of townsmen and the other half of deputies from the country, proposed to give the country seventy-nine members, and seventy-five to the town; it adopted the direct system of election, it limited the tenure of office, and recognized the other chief principles of a truly popular constitution. The deputies of the country, who had concurred in the formation of this plan, highly approved of it, as consonant with justice and the general welfare. But some malcontents at Liechstatt summoned a landsgemeinde, or general assembly, of the whole rural population, a thing unknown to the constitution of a representative canton; and then, having armed a number of partisans, sent a summons to the town, demanding that five-sevenths of the members of the great council should be named by the country, and that a constituent assembly should be formed on this basis in order to frame a totally new constitution. An answer to this message was demanded in twenty-four hours. Meantime some thousands of peasants drew near the town and compelled several communes to join them. The old councils, and the other constituted authorities, were still in existence, until the plan of reform should be sanctioned by the people assembled in their different communes. The insurrection of Liechstatt was therefore considered a rebellion, and the citizens of Basel armed themselves to defend their town and their houses against the armed peasants. The latter having advanced close upon the ramparts were repulsed by the artillery with some loss on their part, and a sortie being made by the town militia, the insurgents soon dispersed themselves; several of the leaders ran away; Liechstatt was occupied without opposition; a few of the insurgents were put in prison, but were soon after sent back to their homes, under the surveillance of the police. No important results ensued. When order was restored throughout the country, the plan of reform was laid before the people assembled in their respective communes, seven-eighths of which voted for its adoption, and the reformed constitution was therefore proclaimed in February, 1831. Some of the insurgents of Liechstatt, however, who had fled into Aargau, Zurich, Luzern, and other cantons, represented to the country people of those districts, who were themselves in a state of agitation, that their cause was all one and the same, that it was the old dispute between town and country, that it was time to put down "the purse-proud citizens" by destroying "that rampart of higher aristocracy, Basel," razing its walls, and bringing its "*tartuffes* and *millionnaires*" to their senses. Such were the sentiments received with acclamations at several meetings which took place in various cantons, among others at Wädenschwyl in the canton of Zurich, and at Sursee in that of Luzern. The old insurgents of Liechstatt, encouraged by these demonstrations, again took up arms, and were joined by some disbanded Swiss soldiers who had re-

turned from the French service. The insurgents asserted that the new constitution had been voted by the people under the influence of fear, and they demanded a new convocation of the primary assemblies. The government of Basel sent out its town militia, which marched against Liechstatt, but falling into an ambuscade of the insurgents, had several men killed and wounded, and was obliged to retire. The insurgents now obtained the sway over the greater part of the country districts, forced the peaceful inhabitants of several communes to join them, ill-treated those who refused, levied contributions, and then set up a form of provisional government at Liechstatt. This was in the summer of 1831.

At Bern, after numerous meetings in several parts of the canton had demanded a more popular system of elections, the executive council proposed to appoint a committee to receive petitions from the communes and report thereupon. This was approved of by the legislative council, and a committee of eleven members being appointed, made its report in January, 1831. It embodied the substance of the numerous petitions which the committee had received, praying, among other things, for the total abolition of all remaining privileges of persons and families, extension of the right of election in favour of the country districts, direct nomination of members in town and country, abolition of the censorship, and enactment of a law against the abuses of the press, a municipal organization of the communes, with the right of choosing their own magistrates, the convocation of a synod of the national Protestant church to watch over its discipline and its interests, a revision of the act of annexation of the districts formerly belonging to the bishop of Basel, publicity of debates, right of petition, division of the three powers, and the periodical election for the officers of the state. On the 13th of January, the great council resigned its right of discussing the project of a new constitution, and a constituent council *ad hoc* was appointed in its stead. The labours of this body lasted till the following summer. Meantime the old executive and subordinate authorities remained *pro tempore*, and everything went on regularly as before. The plan of the new constitution being completed, was submitted to the assemblies of the communes and approved of by great majorities. When the new elections took place, several of the old patricians refused to take the oath to the new constitution, and thus debarred themselves from being elected, and some who were requested to offer themselves as candidates refused. The consequence was their total loss of influence, and a corresponding predominance of the opposite extreme. Before the old councils were dissolved, they published a report of their administration for the preceding seventeen years, from 1814 to 1831. This report, which fills 582 octavo pages of text, and 200 pages of appendix, abundantly proves that which few people acquainted with Bern would attempt to question, namely, that whatever might be thought of the political principle on which the government of the country was instituted, the administration

had been carried on in an honourable, economical, and liberal spirit.

At Freyburg the resistance of the old government was greater than at Bern, and was proportionate to the greater degree of political as well as religious exclusiveness which has long characterized that canton. The roads of Freyburg were proverbially bad, little industry or trade existed in the country, the education was exclusively in the hands of the priests and the Jesuits. A liberal-minded clergyman, Father Girard, had established elementary schools according to the method of mutual instruction, having previously obtained the consent of the municipal authorities of the town of Freyburg, when the little council issued an order suppressing them. Freyburg was called, among the people of the other cantons, "The little Spain of Switzerland." In November, 1830, a strong spirit of opposition broke out among the country people, to which the councils, after some show of resistance, were obliged to yield; and a constituent assembly was appointed to frame a new constitution on a plan resembling that of Bern, Luzern, and the other town cantons.

In the midst of all these changes, the meeting of the federal diet for 1831 took place at Luzern on the 4th of July. The president of the vorort, avoyer Amrhyn, opened the session by a temperate and guarded speech, in which he stated that the neutrality of Switzerland continued to be respected by all the powers, and that the king of Prussia, among the rest, had expressed a peculiar interest in the welfare of the Swiss nation, with which he was especially connected as prince of Neuchatel. A treaty had been negotiated with France for the payment of the Swiss regiments lately in that service which were disbanded after the events of July, 1830. A correspondence had taken place with the Sardinian and Austrian governments on the subject of the Italian political refugees, and the federal directory had undertaken "to fix the right of asylum within proper bounds." Passing on to the internal changes in the various cantons, the president hoped that copies of all the new cantonal constitutions would be deposited in the federal archives during the session, and thus placed under the guarantee of the federal authority. He briefly adverted to the changes which had taken place at Bern, the Valais, and other cantons, and was happy to see that tranquillity was everywhere restored, except, indeed, at Schwytz, where the contest between old Schwytz and the exterior districts, concerning certain political prerogatives not equally enjoyed by all, threatened to end in a separation.

After the president's speech, the deputies, having saluted each other according to the old federal custom, proceeded to give each in his turn a short declaration of the general sentiments of their constituents:—

1. Luzern, having already spoken by the organ of its chief magistrate, the president of the diet,

2. The deputy of Zurich rose and said that he hoped that wisdom and generosity would soon cause all late dissensions to be forgotten. He wished to see the bond between the confederates drawn closer, without,

however, infringing on the respective independence of each canton within its own territory.

3. The deputy of Bern expressed fears lest the spirit of discord should interrupt the former tranquillity and happiness of their common land.

4. The deputy of Uri could not help fearing that, amidst so many new governments springing up on every side, peace would be endangered, notwithstanding the assurances of concord which resounded throughout that hall. "Out of two-and-twenty families inhabiting a common mansion, some have taken to live and dress after a new fashion, whilst the rest continue faithful to the manners of their forefathers. This does not seem to promise much union amongst them. The licentiousness of the press, secret societies, and a system of slander against all loyal men; such are the means resorted to, and yet we talk of the union of Switzerland!"

5. Schwytz complained of the many calumnies that had been uttered against the ancient district of Schwytz.

6. Unterwalden: "The descendants of Winkelried are ever ready to make any sacrifice required by their common country. They have lived free and happy for five centuries, and they ardently wish that all the Swiss may enjoy the same blessings."

7. Glarus: "This day used to be once a day of rejoicing, but now we have neither peace nor confidence. In many a foreign country the popular movements have occasioned serious calamities. That which till now appeared certain has become doubtful; things which were held most sacred have been swept away. May this latter prove useful to our country, and may Providence teach us to discern between those principles which are durable and those which are only illusory."

8. Zug: "The Swiss people, notwithstanding some errors, have shown themselves generous and good. We must not forget that Swiss liberty had its birth on a field of battle. The Swiss are little skilled in diplomatic mysteries. May a common interest animate us all, and a closer bond unite us together."

9. Freyburg: "The existing federal pact is sufficient, and Freyburg will fulfil all its provisions: no more can be demanded. Let us not give way to desponding forebodings, as if all were over with our confederation, as if the diet were now assembled for the last time. Freyburg rejects the omen; we shall all be brethren in the hour of danger."

10. Soleure: "The people of Soleure have shown themselves deserv-ing of liberty, and they are ready to make any sacrifices to maintain it. Some wish for a greater centralization of the federal power, but the people will not easily part with their newly acquired sovereignty, and the greatest caution is therefore required in urging this point."

11. Basle congratulated the deputies on their meeting once more for the common interests of their country.

12. Schaffhausen: "It is a consolation that, on the important ques-



tion of our independence towards the stranger, but one opinion prevails. Brothers may be divided concerning the internal division of their common dwelling, but they would all unite in defending the building which has protected their infancy."

13. Appenzell: "Every man of Appenzell is resolved to sacrifice everything for the sake of our common country. Circumstances are critical; time moves on, and we must move along with it."

14. St. Gall: "The people want a closer connexion with their governments; they will no longer have masters. A new career opens for Switzerland; that which is not yet reformed moves rapidly towards reform. May this spirit which manifests itself among the people serve to maintain our external independence, and at the same time ameliorate our internal institutions."

15. The Grisons: "Our canton congratulates the various cantons newly constituted upon their close approximation to the constitution of the Grisons. Discord still rages in some districts; the unbounded licence of the press is a great evil; but we trust in the firmness and wisdom of the federal assembly. The Grisons are ready to co-operate with their confederates in all that is stipulated by the federal pact."

16. Aargau: "After some lamentable occurrences, the people of Aargau have accepted a new constitution, and they are ready to support any measure towards drawing closer the federal bond."

17. Thurgau: "This canton also has sanctioned a new constitution, wished for, not in consequence of any acts of oppression of the former government, which was loyal and good, but because the old institutions checked our intellectual developement. The most perfect tranquillity prevails now among us. We shall do everything in our power to defend the independence of our common country."

18. Ticino: "Our new institutions have rendered our country still dearer to our people, who are resolved to do all for its defence."

19. Vaud expressed wishes for internal peace, and that Switzerland may be united and strong against any attempt of the stranger.

20. Valais alluded to the past disturbances in the canton, which were terminated. It rejected every idea of centralization, which was suspicious and ill-timed. "We will not purchase our regeneration at the expense of our annihilation; we must be circumspect in ameliorating our institutions; we must oppose idealism and ultra-liberalism: the former, regardless of what exists, traces its fanciful plans with charcoal, the lines of which are soon effaced; the latter mistrusts all power, and sees nothing but abuses in authority of every kind."

21. Neuchatel recommended moderation.

22. Geneva saw ameliorations wanted in the military organization of the country, in order not to be taken by surprise.

The affairs of Basle were among the first to occupy the attention of the diet. The insurgents of Liechstatt, joined by turbulent men from

other parts, had occupied the greater part of the canton, and were at open war with the citizens of the town. This state of things could not be allowed to continue, for it disturbed the peace of all Switzerland. The diet sent commissioners, who however obtained no influence over the minds of the insurgents. The diet then ordered several battalions of federal militia to march into the canton of Basle. The insurgents being summoned to disperse, refused, and the troops occupied Liechstatt, broke up the insurgent convention, and arrested several of the leaders. Dangerous symptoms of what has been styled political sympathy manifested themselves among the peasantry of other cantons towards the Liechstatt insurgents. At Zurich, a battalion of country militia, being ordered to march towards the canton of Basle, declared that they would not fight against their brethren of Liechstatt. When the commanding officer tried to check the tumult, which was partly owing to intoxication, the soldiers cried out that they were free men. This took place in September 1831. In the end it was found necessary to divide the canton of Basle into two separate states.

At Neuchatel also a civil war broke out. A party of men, excited by the movement in the neighbouring cantons, conceived the idea of changing the institutions of that country from a constitutional principality into a democratic republic, and throwing off the allegiance to the king of Prussia. This was a matter of no easy accomplishment. Among their first demands were reforms in the legislative assembly, the abolition of the municipal privileges of the towns and of some remains of feudal usages in the country, and publicity of debates. The king of Prussia, informed of these demands, sent a commissioner, Von Pfuhl, to inquire into the real wants and wishes of the population. The commissioner went round the different districts, listened to the various complaints, promised, and indeed effected, several alterations in the administration, and then returned to Berlin to make his report to the king. After his departure a body of country people, principally from the Val de Travers, led by some men of a higher rank, rose in arms, marched upon the town of Neuchatel, took possession of the castle, turned the cannon upon the town, and then demanded a general assembly of the people, for the purpose of voting upon the question of separation from Prussia. But there was a strong party at Neuchatel, Valengin, and several of the country districts, such as Les Ponts, Val de Ruz, and La Sagne, who had no wish for a separation; they armed in their turn, and the civil war began. Commissioners were sent with a body of federal troops to force the insurgents to give up the castle, which they did after some show of resistance: the leaders of the insurrection then left the country. This was in the summer of 1831. In October of that year, the legislative body rejected by a majority of 16 the motion for convoking the primary assemblies to decide upon the question of the separation. The new elections which took place in November in-

creased the majority of the royalist party. In the following December, however, the emigrants implicated in the previous insurrection again entered the canton, and summoned several communes to revolt and join them. M. Von Pfuhl, who had been sent back by the king as governor-general, proclaimed martial law, assembled the militia, and marched against the insurgents, who quickly dispersed. A few of them were killed; others, being taken prisoners, were tried by a council of war, and three were condemned to death, but were reprieved by the king. Several acts of cruelty and of party revenge were perpetrated by the peasantry against some of the prisoners. The attempt at a revolution was utterly defeated, and Neuchâtel has remained a constitutional principality, though still forming a canton of the republican confederation of Switzerland.

A fresh quarrel broke out in another quarter. The canton of Schwytz, one of the three eldest in the confederation, had in the course of ages, by purchase, or cession, or conquest, become possessed of several districts bordering upon its original territory, such as Einsiedlen, the March, Küssnacht, &c. These were incorporated into the canton, and formed what was called the new districts, in contradistinction to the "alte landschaft," or old territory of Schwytz. The whole canton together reckons about 38,000 inhabitants, men, women, and children; a hardy, robust race, especially those in the old territory, who amount to about one-half of the whole; they are proud of their old independence and extremely tenacious of their sovereign rights, all the men who have completed their 18th year having a vote in the sovereign assembly or "landsgemeinde." The country is rich in pasture-land, and its chief wealth consists in forests and cattle, which is reckoned at above 15,000 heads of large cattle in winter and about 20,000 in summer, and 6,000 sheep, besides goats and swine. Corn is only partially cultivated, most of the people preferring a pastoral to an agricultural life. Potatoes are a general article of food, and cider the most common drink. There are in the whole canton six burghs or open market towns, 24 parish villages, and 58 hamlets. The houses are chiefly built of wood, many of them large and commodious. The democratic spirit of the people of this, as well as of the other mountain cantons, is of a different nature from that of the democratic party in the town cantons; the latter being active, restless, meddling, and disposed to extend the sphere of its influence, whilst the democracy of the little cantons is stationary and self-satisfied, intolerant and uninformed, but unencroaching and unobtrusive, though at the same time extremely jealous of all intrusion or suspicion of intrusion from abroad. The complicated forms of a representative republic adopted by the town cantons would ill suit the people of the small democracies, who, spending one-half of the year with their cattle on the mountains and shut up during the winter in their sequestered valleys, could ill afford either time or money to support the machinery of a constitutional

government with its frequent elections and rotation of office. The magistrates, being scantily paid, or not paid at all, were generally chosen from among the few wealthier families, and remained in office or were re-elected for an indefinite period.\* The people knew that they had the power when assembled in landsgemeinde of removing them whenever they became obnoxious. But the greatest dread of these small cantons is that of losing their separate existence as independent and sovereign states, and of being merged into one huge democracy with the rest of Switzerland, a project which they know has been long entertained by a considerable party in the town cantons. They abhor the very idea of centralization, which, however accompanied by republican forms, they consider as tantamount to slavery. Their jealousy of the town cantons dates from the earliest times of the confederation, as we have already observed in the course of this work. At the time of the French invasion, in 1798, they stubbornly refused to be incorporated with the rest of Switzerland into a republic, one and indivisible: the men of Schwytz, led by Aloys Reding, actually repelled the invaders for a time, and their brethren of Unterwalden chose to be slaughtered rather than submit to the overbearing dictate. These things are not easily forgotten, and the occurrences in the town cantons in 1830-1 served to revive their recollection. The people of the forest cantons instinctively felt that there was some analogy between the revolutionary spirit of 1798 and that of 1830, and that the same principle of centralization and unity of administration, which they detest, was the object of both. If this was liberty, it was not *their* liberty. They therefore kept aloof from the movement, and showed a stern front of opposition to all attempts at innovation in the federal diet. They exhibited the remarkable phenomenon, worthy of the attention of those who look beyond names and outward forms in modes of society, of the oldest and freest democracies of Europe ranging themselves on the same side with the partisans of the old aristocracy against the movements of modern democracy, with its organized masses and military discipline, which impels all questions towards a final solution by numerical majority and physical force. Had the forest cantons, however, been united among themselves, they would have had nothing to apprehend; but discord broke out even there. There was an inequality of political rights between the old territory of Schwytz and the new or outer districts; the latter elected only one-third of the landrath, of the executive council, as well as of the tribunal of the canton or judicial court, whilst old Schwytz nominated the other two-thirds; and the outer districts laboured under some other disadvantages. In 1831 these demanded to be placed upon a footing of equality, and, on the refusal of old Schwytz, they assembled their own landsgemeinde and sent distinct deputies to the federal diet. The diet endeavoured to bring matters to an arrangement, but did not succeed.

\* See remarks on the same subject at p. 198-9.

In the diet of 1832 the question of the revision of the federal pact was formally brought forward. This has been, and continues to be, the most difficult question in the whole range of Swiss politics. The Swiss confederation, unlike that of the United States, has no permanent and distinct central government; the ordinary diet sits only for about two months in the year, and during the rest of the time the executive of the vorort or directing canton, which is that where the diet sits for that year,\* acts as a federal government in conformity to the directions which it has received from the last diet. Thus the local government of one canton, the equal of the other members of the confederation, acts as the supreme federal authority over all. Should the political views of that canton differ from those of the rest, or most of the rest, it must find itself placed in a very delicate predicament. It is true that the powers of the vorort are very limited, and that in cases of emergency it is bound to convoke an extraordinary diet; still, in times of pressing necessity, much may depend on the spirit and decision of the directing canton. Again, in the federal diet, the many and small cantons form the majority of votes, whilst five or six large cantons, such as Bern, Zurich, Vaud, St. Gall, Aargau, and Luzern, which together form more than one-half of the population, and possess two-thirds of the whole wealth of Switzerland, constitute but a small minority of votes in the diet, every canton, large or small, rich or poor, industrious or not, having but one vote. When these and other analogous objections against the actual federal constitution were broached in the diet of 1832, three parties were immediately formed. One party, consisting of the forest cantons, Neuchatel, Basle town, and the Valais, would not listen to any proposal of change which might interfere with their rights as sovereign states; a second party, consisting at first of Bern and Basle county, and joined afterwards by Thurgau and St. Gall, was desirous of unity and centralization of the federal government by means of a diet, the members of which should be returned in numerical proportion to the population of each canton. According to this principle, Bern, having thirty times as many inhabitants as Uri, would return thirty members to the one of Uri. This would be in reality swamping at once the political independence of the smaller cantons, who would be obliged to submit to anything decided by the few large ones; it is no wonder, therefore, that the small cantons should determine never to agree to it. Between these two extreme parties there was a third, composed of the majority of the cantons, which admitted the necessity of a revision of the federal pact in order to strengthen the common bond of union, without weakening, however, the sovereignty of each individual canton. A commission was appointed, consisting of several jurists and other well-informed men, among whom was professor Rossi, an Italian civilian naturalized at Geneva, for the purpose of framing a new federal pact which might obtain general approbation.

\* The diet sits by turns at Bern, Zurich, and Luzern.

The object, as it was pointedly defined at the time, was to make a new pact for *federal* Switzerland, and not to make a *new* Switzerland, one and indivisible. The three forest cantons, however, having declined taking any part in the appointment of the commission, recalled their deputies from the diet and formed a separate conclave at Sarnen in the Unterwalden, when their deputies were joined by those of Neuchatel and Basle town, and they issued a protest against all attempts to alter the pact of 1814. This meeting was styled the "League of Sarnen." Three more cantons, the Valais, Zug, and Appenzell, also recalled their deputies, but did not join the league of Sarnen. The majority of the cantons, however, approved of the commission, which entered upon its task, and in the following year made its report to the diet, in July 1833. The report and the project of constitution which it contained was approved by the majority of the deputies; but, as the deputies of the Swiss cantons are merely delegates, they could but forward copies of the new plan to their respective governments, by whom it was laid before the assemblies of the people in the different cantons and districts. It was adopted by some; but when it was laid before the assembly of the people of Luzern, which was looked upon as one of the leading cantons in the democratic movement, the project was, unexpectedly, rejected by a great majority. In consequence of this, the proposed plan was given up, and a feeling of despondency came upon those who had till then exalted the wisdom and patriotism of popular assemblies. Passing from one extreme to the other, they began to ridicule the idea of any good being expected from large popular meetings, and they cried out that nothing but the strong arm of power could ever mould Switzerland into a nation; in short, from being democrats, they became Bonapartists, a transition by no means singular in modern times. But other and more pressing cares came to silence these wailings of disappointment. The aristocratic party, joined by the jealous democracies of the forest cantons, as soon as they heard of the rejection of the new pact by the people of Luzern, fell into another and an opposite delusion. They fancied that the time for a reaction was come, and the canton of Schwytz, intent upon recovering the outer districts, took upon itself to give the signal. Colonel Abyberg, at the head of two hundred men and some field-pieces, took possession of Kussnacht, one of those districts, and arrested several persons, whilst the alarm-bell sounded throughout the territory of old Schwytz, and bodies of peasants, arming themselves in haste, proceeded to reconquer the other districts which had separated themselves from the canton.

The diet which was sitting at Zurich was struck with amazement at this sudden infraction of the public peace. It was a critical moment; a day or two more and the other forest cantons might make common cause with Schwytz, and, from the known stubbornness of those mountaineers, a most deplorable civil war would be the consequence. The diet lost not a moment; it immediately called out the first contingent of

the militia of the various cantons, and by the following day 6,000 men of Zurich, which was the nearest, were ready to march, and three days after 20,000 men from various cantons were assembled at Luzern. The diet ordered Schwytz to be occupied by the federal troops; 8,000 men under arms entered that canton without firing a shot. The council of Schwytz, not expecting such prompt measures, was taken by surprise, and, luckily for all parties, it made no appeal to the passions of the people; it seemed to feel its error, and took care not to aggravate it. The people of Schwytz returned to their homes, without knowing exactly why they had left them. The federal troops of occupation preserved the strictest discipline, and took care not to hurt the susceptible feelings of the simple and honest, but deluded peasantry. The dissolution of the league of Sarnen was the next step. All Switzerland was saved from a great danger. These events took place in August 1833.

Meantime, at the other extremity of Switzerland, Basle had answered the signal given by Schwytz. The council of the town, provoked by the repeated insults and aggressions of the insurgents of Liechstatt, resolved, by a majority of only one vote, to send out an expedition against them. A column of 1,500 militia, officered by some of the first citizens of Basle, with twelve field-pieces, marched upon Liechstatt. The insurgents were prepared for them; the column from Basle, moving without precaution, fell into an ambuscade in a wood; it was fired upon from all sides, its commandant fell, and the men being thrown into confusion, fled, leaving their cannon behind. The insurgents gave no quarter. They put to death the wounded, and murdered with the butt ends of their firelocks a colonel of Basle who had surrendered, and whose son had already been killed. Several hundred men perished in this ill-judged expedition.

As soon as the diet was apprized of this disaster, it ordered the occupation of the whole canton by a federal corps. The town of Basle, full of mourning for the loss of so many of her citizens, opened its gates to the federal troops; but the people of Liechstatt, elated by their success, made a show of resisting the orders of the diet; they refused at first to lay down their arms, but they were soon obliged to submit. Meantime the ultra-democratic clubs had again reared their heads at Zurich, Bern, and elsewhere; they loudly espoused the cause of the Liechstatt people; their newspapers broke forth in denunciations against the town of Basle, and called for a general crusade against that "last stronghold of aristocracy," the walls of which were to be pulled down, that its citizens might be left at the mercy of the insurgent peasantry. The time was now come, they said, to put an end to the aristocratic faction all over Switzerland. In short, in order to regenerate Switzerland, they saw no better means than exterminating or banishing a portion of its citizens. The diet, however, judged otherwise; it resolved that the existing laws should be respected by all, and it thought that both aristocrats and

democrats could be made to obey them without resorting to measures of extermination. The immense majority of the Swiss people agreed in this with the diet. The clubs were noisy, but weak; they assumed to be, but they were not, the nation. They accused the diet of weakness, of partiality, of incapacity; they talked openly of a popular 18 Brumaire,\* of throwing the diet wholesale into the Limmat, (the river of Zurich,) and assembling a national convention for all Switzerland. On the 25th of August there was at Zurich a meeting of deputations from the various political societies of Switzerland; about 200 persons were present. They passed the following resolutions, which they embodied in the form of a petition to the diet: 1. to institute a federal tribunal to try the chiefs of the expeditions against Liechstatt and Kussnacht; 2. to declare the members of the late conference of Sarnen unworthy to fill any public office; 3. to keep Basle town under military occupation, at the expense of its citizens, until they paid a sufficient sum by way of damage and fine; 4. to remove the federal troops from Basle country as well as from the outer districts of Schwytz, and lay the whole expense of the federal troops of occupation upon old Schwytz and Basle town; 5. to remove all officers and magistrates who do not enjoy the confidence of the people.

At the same time however that the above petition was presented to the diet, that assembly received two other petitions from several communes on the banks of the lake of Zurich, recommending forbearance, conciliation, and forgetfulness of past errors on all sides. "Such," observes an eye-witness of those transactions in some well written letters which appeared in a French journal at the time,† "such is the difference between the so-called popular clubs, and the real people. Persons who meet in the clubs are men belonging to a party, previously biassed by the same passions and prejudices, and who are attracted together by a similarity of sentiments and views; their resolutions breathe violence and vengeance; theirs is the false public opinion. On the other side the communes, the country districts, where the opinions of all the inhabitants at random are collected without previous excitement or premeditation, express nothing but wishes for peace and mercy: this is true public opinion."

The diet ordered the five cantons who had formed the league of Sarnen to send their deputies to Zurich. The three forest cantons and Basle town complied; and some of the deputies whom they sent were the same who had sat in the conference of Sarnen. The diet, notwithstanding the clamours of some of its members, allowed them to take their seats; it did not assume the power of rejecting any deputy sent by

\* Ninth of November, 1799, the day on which general Bonaparte, by means of his grenadiers, dissolved the legislative assembly, and made himself master of France; a curious precedent for republicans to quote.

† Journal des Débats, 13 and 15 September, 1833.



a sovereign state, as it was no part of the powers of the federal congress to dictate to the people of the various cantons what individuals they were to return as deputies. Neuchatel was the only canton who refused to send its deputies to the diet, and the diet at once resolved that Neuchatel should be occupied by the federal troops, just as Schwytz and Basle had been, if by a certain day it had not complied with the summons of the diet. This show of firmness produced its effect, and the deputies of Neuchatel made their appearance at Zurich before the expiration of the prescribed term. About the same time the great council of Bern, swayed by the ultra-democrats, instructed its deputies in the diet to move the following resolutions: "1. That the deputies who had sat at Sarnen be expelled the diet. 2. That a federal tribunal be formed to try, on the charge of treason, the members of the governments of Schwytz and Basle town, who had taken a part in the affairs of Kussnacht and Liechstatt. 3. That the town of Basle be obliged to pay a contribution of forty millions of francs by way of damage, and to defray the expenses of the occupation; part of the money to be distributed as extra pay among the poorer soldiers of the army. 4. That the walls and ramparts of Basle be razed to the ground." After moving these startling resolutions in the federal diet, the deputies of Bern proceeded to say, that if that assembly rejected them, they had instructions from their canton to protest in the name of the sovereign people of Bern against their rejection, and then to withdraw from the diet. The diet, having listened to this strange declaration, resolved almost unanimously, that if Bern withdrew its deputies, a federal corps should immediately march and occupy Bern, just as it would have occupied Neuchatel, had Neuchatel persisted in its disobedience to the federal mandate. The same measure should be dealt to all indiscriminately. The determination of the diet had a salutary effect. The deputies of Bern requested new instructions from their canton; meantime their motions were laid aside, and the diet proceeded quietly to other business. Such was the triumph of constitutional principles and political justice over both the extreme factions in the memorable session of 1833. The firm attitude of the diet, supported by the opinion and patriotism of the great body of the people, saved Switzerland from incalculable mischief. In little more than a week 40,000 militia from different cantons were under arms ready to obey the orders of the federal diet against any refractory canton, no matter which. It was then proved that, notwithstanding the defects of the existing federal pact, there was an authority in Switzerland superior to party spirit and factions, which could depend upon the support of the people at large, whenever their aid was required by reason and justice. The ultra-democrats, who had been foretelling the event of a collision which would end in the extermination of the opposite party, appeared sorely disappointed at this peaceful result, and they vented their mortification by abusing the diet; but their sneers

had little effect in disturbing Helvetic equanimity. Throughout the whole crisis the canton of Zurich, as the vorort or directing canton, supported by Geneva, Vaud, the Grisons, &c., earnestly supported the federal authority.

The questions of Basle and Schwytz were settled: Basle was divided into two half cantons or separate states, Basle town and Basle country, independent of each other in their internal governments, but having only one vote between them in the federal diet, after the manner of the two divisions of Appenzell and of Unterwalden.\* Old and New Schwytz arranged their intestine dissension without coming to a separation, the former consenting to a more equal distribution of the elective rights. The landsgemeinde assembled in October, 1833, at Rothenthurm, adopted a new constitutional system, by which all the natives of all the districts who have completed their eighteenth year, and who are not bankrupts, or under a sentence disgraceful to their character (*infamante*), enjoy alike the same political rights, vote in the landsgemeinde, and elect the members of the great and little councils, and of the court of justice; the members of both councils are elected for six years. The debates are public. The general landsgemeinde meets every other year, in the month of May, under the presidency of the landamman; it adopts or rejects the bills laid before it by the great council; it ratifies the treaties concluded with other cantons, or with foreign powers; it gives instructions to the deputies to the federal diet, and it appoints the landamman, the statthatten, or lieutenant, and the treasurer, who remain two years in office. The matters which are to be laid before the general landsgemeinde must be printed and distributed previous to its meeting. The votes are given by show of hands, and the majority decides. There are, besides, district landsgemeinde for the purpose of elections. The convents are subject, in temporal matters, to the civil authority, they cannot purchase or acquire landed property, and they contribute like the rest to defray the cantonal and local expenditure. A general revision of the laws of the canton, which were in a very imperfect state, was likewise decreed.†

The year 1834 seemed to open with prospects of tranquillity for Switzerland, when a fresh source of anxiety suddenly sprang up from a foreign quarter. A considerable number of Polish, Italian, and German political refugees, in consequence of the revolutionary movements which had taken place since 1830 in their respective countries, and which had failed, had found their way to Switzerland. In April, 1833, a body of about 400 Polish emigrants left France, and took refuge in the canton of Bern, where they were hospitably received; subscriptions were raised for them, many found employment in various capacities, and several of

\* See p. 199.

† Leresche, in his *Dictionnaire géographique statistique de la Suisse*, Lausanne, 1836—7, article *Schwytz*, gives a sketch of the new constitution of Schwytz.

them fixed their residence in the little town of Bienne. All at once, in January, 1834, some hundreds of these refugees left their various places of residence, proceeded by small parties to the canton of Vaud, which they crossed, and assembled, armed with muskets and other weapons, on the banks of the lake of Geneva, especially at Nyon, where they manifested their intention of making an attack on the opposite coast of Savoy, a part of the dominions of the king of Sardinia. This attack was combined with other attacks and insurrections which were expected to break out in various parts of the Sardinian monarchy. The government of the canton of Vaud, being informed of this illegal assemblage, issued orders to the local authorities to stop the men and disarm them. But the local authorities had no armed force at their disposal, and were but lukewarmly supported by the citizens, who, from what they had heard or read, sympathized with the Poles as victims of oppression in their own country, without reflecting that the transactions in Poland could afford no apology for attacking the neutral kingdom of Sardinia. This sympathy of the natives of republican states for all those who, no matter why, chose to revolt against or to invade any monarchical state, the sympathy which, not content with harbouring political refugees of other states, abets them in their acts of armed hostility, is of momentous importance to the tranquillity of the world; for unless the individual members of republican states choose to abide by the laws of nations, and the international rights expounded by all jurists, not only will it be impossible for republics and monarchies to live at peace with one another, but they will not even be able to carry on war according to the system of civilized nations; and as the world, according to all appearance, will yet long continue to be divided among absolute and limited monarchies and republican governments, the consequence would be a permanent state of hostility and rancour worse than that of the Guelphs and Ghibellines of the middle ages. It would be, in fact, the monstrous principle proclaimed by the fanatics of the first French revolution: "War of extermination against all governments which are not constituted like our own."\*

On the morning of the 5th of February, 150 refugees seized at Nyon a barge loaded with timber, threw the timber overboard, and embarked for Savoy, when they landed near Hermance, at one extremity of the canton of Geneva bordering on the Sardinian territory. The government of Geneva, having received timely information, sent a magistrate with some troops of the garrison and militia, who arrested the refugees, seized their arms, and sent them back in the boat to the canton de Vaud. But another, and the main body of the refugees, under general Romarino,

\* This anti-social principle has been openly avowed in several writings circulated on the continent since 1831. One of these says, "In matters concerning independence and liberty, the holiness of the motive must render any consideration of honour, humanity, and religion, valueless and null." *Della guerra nazionale d'insurrezione per bande. Italia, 1830.*

a Genoese by birth, but naturalized in Poland, entered the canton of Geneva in another point, and took their station at Carouge, a small town near Geneva, on the high road to Savoy, where they distributed proclamations addressed to the border people, in which they spoke of "the great days of Savoy being arrived," and said that they, the refugees, "were marching to overthrow the throne of Charles Albert, and to win liberty, equality, brotherhood," &c. The peasantry of Savoy, however, remained quiet. The refugees then made an incursion into the king's territory, entered Aunemasse, and other villages, disarmed the custom-house officers, and turned towards the town of Thonon, where there was but a feeble garrison. The alarm, however, had spread into the interior, and a body of Piedmontese troops marched on the flank of the refugee column, watching its movements. On the 3d of February, Romarino gave orders to fall back on the territory of Geneva, as the reinforcement he expected had not arrived. It appears that, the day before, another body of refugees, chiefly Italians, who were living in France, sallied out of Grenoble, and entered the village of Echelles, on the high road from Lyons to Chambéry, but, being met by the Piedmontese troops, they were driven back again into France, when the French authorities disarmed them. The Polish expedition, likewise, having re-entered the neutral ground of Geneva, were desired by the authorities to lay down their arms, which they did after some demur. They were then ordered to march through the canton under an escort of militia, and return to the canton de Vaud, from whence they had come; but a number of the lower class of the inhabitants of Geneva, natives and foreigners, took part with the refugees, made an attempt to recover their arms for them, and even insulted the magistrates in the execution of their duty. The militia of the canton was under arms, and, after much difficulty and considerable noise and tumult, the refugees at last left Geneva and returned to Vaud, the government of which canton ordered them to be escorted back to the territory of Bern, from whence they had originally come; but Bern now refused to receive them again. The matter was referred to Zurich, the vorort; and, after long and angry negotiations, Bern at last consented to receive back the refugees, on condition that Geneva and Vaud should pay part of the expenses. The whole of this affair occasioned much alarm, agitation, and dissension; and it cost the cantons of Geneva and Vaud, who were wholly innocent of any participation in the insane attempt, a considerable sum; the share of Vaud alone being said to have amounted to 80,000 livres. But this was not all: the Sardinian government made strong remonstrances to Geneva and Vaud, and to the confederation in general, concerning this flagrant violation of the neutrality of the Swiss territory, and on the dangers resulting to other states from assemblages of political outlaws, who, under the protection of the state which harboured them, conspired against the tranquillity of neighbouring countries; and it demanded guarantees against

the recurrence of such an infraction of international law. The courts of Austria, Prussia, and the other German states whose territories border on Switzerland, joined the court of Turin in these remonstrances. The justice of their complaints, supported as they were by the law of nations, could not be disputed; but some of the diplomatic notes were expressed in too angry and peremptory a tone. They demanded, amongst other things, the dissolution of the "patriotic societies" or clubs which were said to have favoured the Savoy expedition, the trial of the Swiss who were implicated in it, the expulsion of the refugees, and they threatened, if their demands were not complied with, to stop all communications and commercial intercourse with Switzerland. After much correspondence the more obnoxious demands of the foreign powers were ultimately dropped. The main question remained—how to dispose of those refugees who had formed part of the Savoy expedition, and how to prevent similar attempts in future. The council of Zurich, which, as directing canton, conducted the whole negotiation with the foreign ministers, displayed considerable skill, united to firmness, self-respect, and moderation. Its ultimate answer, dated 24th June, 1834, after asserting the principle "that every independent state has the right of admitting fugitives from other countries, and protecting them while they conduct themselves peaceably," acknowledged that "it is the duty of every state to prevent the refugees from abusing the asylum granted to them and disturbing the tranquillity of other countries, and that those who so abuse the hospitality granted to them ought to be deprived of all means of renewing the attempt. Agreeably to this principle, the Swiss governments will in future send away from their territory all those who shall attempt to disturb the peace of other states, and individuals thus expelled shall not again be admitted upon Swiss ground." This note and the promise it contained satisfied the foreign powers, who renewed their usual friendly intercourse with Switzerland. France assisted these negotiations by granting passports to those refugees who were implicated, and allowing them to pass through the French territory to England, America, and other countries whither they chose to repair.

The ultra-democratic party exclaimed against this arrangement, and taxed the council of Zurich and its burgomaster, M. Hirzel, a man whose patriotism and liberal sentiments had been well tried in the late changes which had taken place in his native canton, with vacillation, weakness, and "servility towards the foreign despots," and this because those magistrates had not thought proper to place Switzerland out of the pale of the law of nations, as the French convention placed itself in 1793, and make it the common repair of armed bands from all parts of Europe, ready to pounce upon the neighbouring countries at the first symptom of political discontent, thus renewing the system of the *condottieri*, free companies, and black bands of the middle ages.

The federal diet for 1834 met at Zurich on the 7th of July. The

deputies, having first attended divine service in the churches of their respective communions, assembled at the house of the president, the burgomaster Hirzel, and thence proceeded in procession, attended by their ushers, to the gross münster or cathedral, where they found assembled the council of state of the canton, the foreign ministers, and a great concourse of spectators. All being seated, the president delivered his opening speech, which was moderate and conciliatory: he recommended harmony among the confederates, calmness in their debates, respect for the duties as well as the rights of Swiss neutrality, and attention to the real wants of their common country. After this, the chancellor of the confederation read the federal pact, and the deputies took the oath. They then came out of the cathedral and proceeded to the hall of sittings in the town-house. Tribunes or separate pews were for the first time prepared for reporters and strangers, the debates of the diet having until then been private. Each of the twenty-two cantons sends two or three deputies to the diet, the eldest of whom only gives his vote for the canton he represents. Those cantons which are divided into two separate states, namely, Unterwalden, Appenzell, and Basle, send one or two deputies for each division, but the deputies of the two moieties have only one vote between them, so that, if they cannot agree, their vote is null. In the diet of 1834, sixteen cantons had two deputies each; Zurich, being the *vorort*, had three; Geneva and the Grisons also three each; and Appenzell, Unterwalden, and Basle, four each, two for each division; making in all fifty-three members.

The president made his report on the proceedings of the *vorort* since the close of the last diet. After this the members saluted each other according to the old federal custom, and one deputy for each canton made a kind of general profession of the sentiments and political faith of his constituents.

The question of the refugees was one of the first that came before the diet. Meantime, a meeting at Zurich of four or five thousand persons from various cantons had passed resolutions disapproving of the conduct of the *vorort* in this business, and had voted an address inviting the Swiss in general to affix their names to a declaration that the existing federal pact being found insufficient and ineffectual, it was the will of the people that a constituent assembly should be convoked to frame a new federal constitution. This constituent assembly, the idea of which is derived from the not very favourable specimen of that of France in 1790, is the great mould on which the ultra-democrats of Switzerland expect to fashion the whole country after their own fancy, and is their panacea for all existing evils. Bern, it was stated by this party as a stringent argument, had taken the lead in demanding a constituent assembly, and Bern had a population of 400,000 people, being one-fifth of all Switzerland; therefore the demand could not be resisted. Similar language was held at a meeting of the federal riflemen assembled also

at Zurich. At length, on the 22d of July, the refugee question was debated in the diet, and after eight hours' discussion, the votes being taken, thirteen cantons approved unconditionally of the conduct of the vorort, three gave a conditional assent to it, and five and a half cantons disapproved of it either partly or absolutely. The outer district of Appenzell did not vote.

In the Swiss diet, as well as in other representative assemblies of Europe, the members are divided into three political parties; there known as the right, left, and centre. The first-named division consists of the statu quo members, or aristocrats, as they are vulgarly called, though, in fact, this party in Switzerland includes the three forest cantons, the oldest and purest democracies of Switzerland, who, from motives already explained, are averse from all change in the federal pact, and are jealous and suspicious of the city democracies. The Valais, Neuchatel, and Basle town belong also to this division. 2d. The left or radical party (for the word "radical" has become naturalized in Switzerland both in the French and German languages) is the party of centralization and unity at the expense of the individual independence of the cantons; it wishes for a general representative assembly for all Switzerland, elected on the basis of numerical proportion, it is the party of sweeping changes to be effected by numerical majority and physical force; the party of the absolutism of the multitude, distinct in form though not in principle from the absolutism of one or the few, too often destructive of individual liberty and intolerant of any check but the voice of the favourite demagogue of the day. In such a system, the so-called "sovereignty of the people" is in fact the sovereignty of a few leaders, as it was in the republics of Greece, and in those of Italy during the middle ages; and it must always be so, unless all classes of the people could be instructed in political science, and rendered moral, temperate, and able and willing to devote their time to political affairs. This party was represented in the diet of 1834 by the cantons of [Bern, Luzern, Thurgau, Basle country, and St. Gall; not that the populations of all those cantons are to be considered as ultra-democratic, but because the ultra-democratic principle prevailed then in their councils, whose function it is to give instructions to the deputies to the diet, which instructions the latter are bound to follow, or ask for further directions. Between the two extreme parties just mentioned is the centre, which includes the majority of the cantons, some however inclining to the right and others to the left upon particular questions; but all attached to their cantonal independence, and averse from a general fusion of all Switzerland into a single democracy. The real centre, whose device is moderation, conciliation, justice to all, gradual reforms, respect for the cantonal independence and for existing law and treaties, was represented in the diet of 1834 by Zurich, Geneva, Vaud, the Grisons, Freyburg, and Glarus.

On the refugee question the deputy of Vaud inculcated respect for existing treaties with foreign powers, those treaties which guarantee the independence and neutrality of Switzerland. "But," said he, "Switzerland ought to be honestly and truly neutral, and not tolerate, much less encourage, within its territory, plots, conspiracies, and armaments directed against the established order of any other country whatever. States are placed in this respect toward one another like individuals; if they wish to be respected, they must respect others; woe to those who do not respect treaties! they may triumph awhile, but their triumph will be of short duration. I do not mean, however, that we should submit to every demand for the expulsion of a refugee made by other powers. The cantonal governments must be the judges, the honest judges, as to whether any refugee has offended against our neutrality, but if the charges brought forward against such a person or persons are proved, then it is our duty to remove the disturber from our territory." The majority of the diet followed on the same side and approved of the conduct of the vorort. Bern and Luzern protested against this decision, and without exactly denying the justice of the international principle, they maintained that the notes of the vorort to the foreign powers had not been energetic enough, and they charged the diet with neglecting the interests and the honour of the confederation. This occasioned an angry discussion, and counter protests from most of the other cantons, which, whatever might be their opinion on the refugee question, felt indignant at the tone which Bern and Luzern assumed towards their confederates.

On the 29th of July the question of Neuchatel came before the diet. The legislative body of Neuchatel, supported by a declaration from the majority of the communes, had petitioned the king of Prussia, as prince of Neuchatel, to obtain a separation from the Swiss federal body, and to return to their former condition of a mere ally of Switzerland; giving for a reason the incompatibility of the monarchical principle of government established at Neuchatel with the democratic principle now prevailing over the rest of Switzerland; but Frederic William had discountenanced the proposed separation, or at least declined to promote it. Then the legislative body of Neuchatel addressed, in March 1834, to the vorort, a formal demand of separation, which the vorort referred to the diet. The deputy of Neuchatel to the diet spoke in support of the demand grounded upon this reasoning: "Neuchatel is a constitutional monarchy, and as such it entered the Swiss confederation in 1814, when there was no collision of principles throughout Switzerland; we fulfilled our duties as a canton, and you left us our constitution undisturbed. But since 1830 a collision has taken place, the cantons which were formerly aristocratic have not only become democratic, but are determined to enforce their new principles upon the rest of Switzerland. They openly avow it, they want to make Neuchatel a republic, but the



majority of the people of Neuchatel do not wish to become a republic. A conflict is thus engendered between our canton and the confederates, and this moreover encourages a conflict among ourselves. The disaffected among our citizens, originally few, have made numerous proselytes, they are encouraged by the violent spirits among the neighbouring cantons, and they plead their exclusive loyalty to the confederation as a pretext for their disloyalty towards their own government. Thus the federal flag, instead of being to us a token of security and peace, is made a symbol of discord and civil strife. This cannot be borne. Let Neuchatel be no longer a canton, let it return to the condition of an ally as it was before 1814. Confederates," thus concluded the deputy, "accept the hand of alliance we offer to you. Be unto us what your forefathers were unto ours. As allies we were always faithful to Switzerland, we fought its battles. . . . Confederates! if you refuse our offer, if you determine to retain us as a canton in spite of ourselves, we shall still endeavour to fulfil, in perfect good faith, our obligations as such; but remember that confidence and zeal are the offspring of free will; they may be given, but cannot be commanded."

To the prayer of this petition on the part of Neuchatel all the other cantons, even those of the right, refused assent. They all felt disinclined to dismember and weaken the confederation, and thus establish a dangerous precedent; but several cantons at the same time openly said that Neuchatel should be left in the undisturbed possession of its peculiar constitution, that it should not be interfered with in its internal affairs, and that no suggestions ought to be used to weaken its allegiance to the house of Prussia. "What matters it to us," said the deputy of the Grisons, "that Neuchatel is a principality. Cannot a principality and a republic confederate for their mutual protection, without quarrelling about their respective forms of government? The existence of a principality appears an anomaly in our confederation, and yet we have the canton of Valais, where the bishop of Sion has four votes in the legislature. It is better for us that the king of Prussia should be prince of Neuchatel than any other sovereign. The connexion thus resulting between a powerful monarch and our confederation may prove at times of essential service to us." These words were spoken by the delegate of one of the purest democracies of Switzerland. On the other hand, the deputies of the left, with Luzern at their head, not content with giving a negative vote to the demand of Neuchatel, and as if to embroil still more a question already intricate enough, proposed a counter-resolution, to the purpose that the diet should induce Neuchatel to renounce its allegiance to the house of Prussia. Zurich having voted like the rest against the petition of Neuchatel, voted likewise against the motion of Luzern. "When Neuchatel," observed the deputy of Zurich, "entered the confederation in 1814, in its double quality of canton and principality, then was the time to accept or refuse its admission as such.

But Switzerland having admitted Neuchatel in its double character, with what face can Switzerland now demand its separation from its prince? The treaties that bind Neuchatel as a principality to us, bind us likewise to the principality of Neuchatel." The motion of Luzern was rejected.

The next important question, that of the federal pact, was discussed in the sitting of the 4th of August. Four modes of altering or modifying the existing federal pact were proposed. 1. By the convocation of a national assembly, elected by the people in a numerical proportion. 2. A conference of deputies from each canton elected *ad hoc*, and with full powers. 3. A total revision of the pact by the diet, or by a committee of the diet. 4. A partial revision of the same.

The deputy of Bern said that his canton was persuaded of the necessity of recasting the whole political system of Switzerland, and of the uselessness of attempting a revision of the present pact; he said that there were discordant principles in Switzerland that could not be reconciled, the deputies of the various cantons were insufficient for the great work of the federal government, and that therefore Bern would appeal to the great body of the people in order to effect a fusion of all the cantons into one nation. "Our conviction," added the deputy of Bern, "is not yet that of the majority of Switzerland; we know it: but meantime the great council of Bern will oppose any partial change in the pact of 1814, because we think it impossible to conciliate the federative principle with the principle of centralization. We will not expose ourselves to be outvoted by the smaller cantons, five or six of which, taken together, do not equal our population. Bern, therefore, will abstain from taking a part in any discussion upon a revision of the present code." This language of Bern appeared so extraordinary, that even the deputy of Luzern felt alarmed at it. "Behold," cried he, "the ground which Bern has taken. Whilst it endeavours to prove the absurdity of the principle of the independent sovereignty of each canton within itself, it carries that very principle in its own case to the extreme. Even in the last sitting, it denied the right of the diet to interfere in case of the violation of a cantonal constitution. Under such attacks the whole fabric of our confederation will at last crumble to pieces." Luzern then voted for a total revision of the federal pact by the diet. Uri, Schwytz, Unterwalden, the Valais, Ticino, and Neuchatel, opposed all revision whatever. "The present pact had been sworn to by its twenty-two members, and could not be altered but by the consent of all and each of them." Appenzell approved of a revision, but did not think the present moment favourable to the undertaking. Glarus voted for a partial revision of the pact, whilst it warmly opposed the declaration of Bern. "What security," said the deputy of Glarus, "will the smaller cantons have against the encroachments of the larger ones, when we shall be like so many departments of one state? The habits, the

manners, the feelings of the Swiss are opposed to a general fusion, which nothing but violence could ever effect." Zug followed, and voted in the same sense. Freyburg said, "that there was a necessity for a revision, if not general, at least partial, of the federal pact, but that Freyburg will oppose with all its might the proposition of Bern. Freyburg entered the confederation as a free and independent state, and it will not give up any part of its sovereign rights, except in cases connected with the common defence of the country. A national assembly, independent of the cantonal governments, would only effect the destruction of our confederation, substituting for it the principle of centralization, a principle which Freyburg will not admit. We tried it once (1799), and it occasioned us a deficit of two or three millions (of Swiss livres) in as many years." Soleure voted for a partial revision of the pact; Basle town the same. Basle country voted for a national assembly, like Bern. St. Gall for a total revision of the pact, adopting the principle of numerical proportion. The Grisons for a partial revision by a committee of the diet. Aargau for a total revision by a committee of the diet; adding, "if this be not done this year, next year we must have a national assembly." Thurgau voted for a national assembly. Vaud said, "that a revision of the pact was generally admitted to be required, but the canton of Vaud opposes, as it has always opposed, the project of a national assembly. What would be the result of such an assembly? A constitution on abstract principles, without consulting local habits, or taking into consideration the gradations which exist in the intellectual, moral, and economical condition of the different cantons; a constitution which would not satisfy any one. Besides, why create a new legislative authority, whilst we have a legal and constitutional one, namely, the diet? By creating a new assembly, to frame a new constitution, you would at once sign the death-warrant of the existing one; you would prejudice the question; you would infringe upon the federal pact. The very principle of a new assembly would be to look upon the Swiss as one nation; a principle contrary to the rights of the cantons, and which, once admitted, would put an end to all cantonal independence. There is no single Switzerland: we are two-and-twenty states, which have united for our mutual protection and defence, but none of these states ever intended, in joining the confederation, to sacrifice any portion of their sovereignty. Vaud certainly never did." In conclusion, the deputy of Vaud voted for a partial revision of some of the most important articles of the present pact, which he specified. Geneva followed on the same side as Vaud, and voted for a partial and gradual revision: "Geneva will have no constituent assembly, no numerical principle, by which the six largest cantons would dictate laws to the other sixteen." Zurich opposed the idea of a national assembly, which would be the ruin of the cantonal sovereignty. It voted for a revision by the diet, including a revision of the system of representation, establishing some

better proportion between the number of votes and the size and population of the various cantons, and their respective contributions in men and money for the common protection, but not the principle of numerical proportion, "for Zurich will not establish the tyranny of the large cantons over the small ones."

On a division, thirteen and a half cantons voted for a revision of the federal pact by a committee of the diet, one and a half for a national assembly, and the rest either voted against all revision, or abstained from voting. A committee of the diet was accordingly appointed to revise the federal pact, but, after various sittings, the members found that they could not agree upon the subject of the proportional representation. They then proceeded to discuss other points, by way of suggesting improvements, but without coming to votes. The committee then made its report to the diet, and thus another attempt at revising the federal pact terminated without any result.

Several minor matters were settled in an amicable manner. Schwytz had been condemned the year before to pay the expense of the federal army of occupation, which amounted to nearly half a million of Swiss livres, a sum too heavy for a small agricultural and pastoral district. The sum was reduced to one-fourth by the majority of the diet. On this occasion five cantons, namely, Bern, Luzern, Basle country, Thurgau, and St. Gall, voted against any reduction.

The deputy of the Grisons communicated to the diet the satisfactory intelligence that the Austrian government had recognised the long pending claims of that canton on the administration of Lombardy for the losses sustained by Grison citizens who had property in the Valtelline, which was confiscated when general Bonaparte seized that district in 1797, and united it to Lombardy. The amount of indemnity which the Austrian government agreed to pay was fixed at two millions of Swiss livres. Thus an old act of injustice committed under one government has been expiated under another: a good moral lesson, like that of the American claims upon France and Naples, for injuries committed under Napoleon, which have been liquidated under the restored dynasties of those realms.

On the 6th of September, the session of the federal diet of 1834 was closed by burgomaster Hirzel of Zurich, after a speech in which he recapitulated all which the diet had done, and likewise mentioned that which it could not do, namely, the revision of the federal pact: "Some of us who have gone far ahead of the rest, would not slacken their pace, others who have remained behind would not quicken theirs, and the rest were not sufficient for a majority. And what are the causes of this? the will of the Swiss themselves, their tenacity of the sovereignty of their respective cantons, a feeling as strong now as ever. The smaller the canton, the stronger is this feeling, and the greater the resistance. Meantime we ought not to neglect those improvements which preord

gradually. Let us remember that all the cantons are in a progressive state, and that the reforms which they are effecting within themselves will lead them to agree also to improvements in the general system of the confederation. Even in our present state we enjoy many advantages which are envied by other nations; let us preserve those blessings, let us increase them if possible."

With the 1st of January, 1835, Bern became in its turn the vorort or directing canton. The Austrian minister addressed a note to the new vorort, requesting it to state whether Bern, as directing cantons, meant to abide by the declarations of the last vorort of June 1834, which had been sanctioned by the diet, with regard to those refugees who might endeavour to disturb the peace of the neighbouring countries; or whether the protest which Bern, as a canton, had entered against those declarations, was to be considered as indicative of the line of conduct which Bern, as vorort, intended to pursue. "In the same manner as Switzerland," said the Austrian note, "has a right to insist that foreign states do not interfere with her internal politics, so have the neighbouring states a right to expect that there be no interference, proceeding from the territory of the confederation, with their own internal affairs. If we are to respect the institutions and the constituted authorities of Switzerland, and its federal and cantonal colours, Switzerland must likewise maintain at home a like respect towards her neighbours, as reciprocity forms the basis of international rights. The neighbouring states have no wish to offend, disturb, or annoy Switzerland; but Switzerland should not permit within its boundaries any overt acts having a hostile bearing towards the neighbouring states, which, if opportunities should occur, might be followed by hostile aggressions, such as have already taken place." The ministers of Bavaria and Baden, whose territories also border on Switzerland, presented notes to the same effect. The executive of Bern, as vorort, replied by some explanatory notes, which gave umbrage to the ultra-democratic party in its own great council, where a motion was made to examine into the conduct of the vorort in its relations with foreign powers. The avoyer De Tavel, president of the vorort, in a long and able speech, while he opposed the motion as unnecessary, gave full information concerning the actual state of diplomatic relations. His explanations proved satisfactory to the majority of the great council, and the motion was negatived by 157 to 36. The year 1835 passed quietly for Switzerland, without any very grave occurrences within or without.

In 1836, the question concerning the foreign refugees was the subject of an unpleasant correspondence between the federal authorities and the French ambassador. It appears that the engagements entered into by the directing canton in 1834, and approved of by the diet, had been evaded by some of the cantons, that certain political refugees who had participated in plots and conspiracies against foreign states, on being expelled one canton had found refuge in another, and that fresh refugees,

similarly implicated, had entered the Swiss territory, and were similarly harboured and protected in several cantons. The French and other foreign ministers therefore complained that the engagements entered into by the federal authority, were violated by several of the members of the confederation.\* They represented that the geographical situation of Switzerland is peculiarly adapted to make it a convenient place for plotters and agents of sedition, being in the centre of Europe, bordering upon no less than six monarchical states, namely Austria, Sardinia, France, the grand duchy of Baden, Bavaria, and Wurtemberg, with an extensive line of frontiers, most difficult to guard, and numerous mountain passes, lakes, and rivers, across which a band of armed men can at any time suddenly pass and repass, there being no military force stationed on the Swiss side of the line to prevent it. It appears that several secret clubs of political emigrants formed in Switzerland, who were designated by the name of "young France," "young Germany," "young Italy," &c.,† corresponded with the malcontents of their respective countries, and spread incendiary writings, in which they proclaimed a vast plan of a sweeping, not only political, but social reform, in all western Europe, to begin by upsetting at any cost, by the sword, the dagger, and the torch, the existing institutions of the various states. Several of the cantons, and Zurich in particular, collected information concerning these secret associations, and made reports to the diet which were published, and left no doubt of the reality of the conspiracies which were going on, on the neutral ground of Switzerland. Dr. Keller, president of the supreme court at Zurich, and deputy to the diet of 1836, exposed the sanguinary statutes of the association known by the name of "young Germany," by which the heads of that society are empowered to issue sentences of death against individuals obnoxious to their cause, which sentences the adepts are bound to execute. On the 22d of June, 1836, the council of state of Bern, which was in that year the vorort of the confederation, addressed a note to the French ambassador, duke of Montebello, saying, that "being informed that several political refugees, already expelled from Switzerland for having participated in 1834 in the attempt against Savoy, had again entered the Swiss territory, and that, latterly also, a certain number of other refugees had been engaged in illegal plots, and even, as it seems, had planned an armed invasion of the territory of the grand duchy of Baden which borders upon Switzerland, the avoyer and council of state of Bern, as federal vorort, have made it their duty to urge in the most pressing manner all the cantonal governments to arrest all the poli-

\* *Opinion de M. Rilliet, député de Genève à la Diète sur la Conclusion relative aux étrangers, adressée à Messieurs les Membres des deux Conseils, 14 Août, 1836.*

† Journals under the names of "Jeune France," "Giovine Italia," &c., were published at the time, inculcating revolutionary and antisocial principles.

tical refugees who took part in the Savoy attempt, and who have re-entered Switzerland after having been expelled, as well as those who have endangered the interests of Switzerland by intermeddling in the confederation of the cantons, or who are disturbing by revolutionary attempts the good intelligence happily subsisting between Switzerland and the other states. The federal directory is resolved to expel from Switzerland all the refugees of the description above mentioned, but they need for this purpose the assistance of one of the neighbouring powers, and they therefore request his excellency, the ambassador of the king of the French, to apply to his government for leave to admit on the French territory the individuals to be expelled from Switzerland." To this note was annexed a list of individuals most seriously implicated in the attempts above alluded to. The French ambassador answered this communication of the vorort by a note dated 18th July, in which he announced to the vorort that the French government would not only receive the expelled refugees, but furnish them with the means of crossing the territory of France in order to embark in one of its harbours for whatever destination they might choose, and furnish them with a passport when on board. The ambassador then pressed upon the vorort the necessity of hastening the accomplishment of this necessary measure, which was not, as it was represented by some, an infraction of the right of asylum, as that right, like every other right, had its limitations and conditions, and was accompanied by correspondent duties. Not only Italy and Germany, continued the note, have been threatened by plots hatched on Swiss ground, "but France also is deeply interested in this question; for it is ascertained that the refugees in Switzerland are in correspondence with the anarchists in France, that they are acquainted with the atrocious schemes of the French regicides, and that their own designs are connected with the crimes recently attempted in France." It must be remembered in explanation of the last two sentences, that the attempt of Alibaud to assassinate Louis Philippe, and the attempt of the Bonapartists to excite a revolt in the garrison of Strasburg, occurred about this time. Unfortunately the general tone of this note, which ran to a considerable length, was too dogmatic and imperative to conciliate, and it rather indisposed many of the Swiss against the demands of France.

The diet having met in the month of July, the question of the refugees was brought before their assembly. After some preliminary conversations the matter was discussed on the 20th of July; the deputy of Zurich informed the diet of the discoveries made in that canton of the fanatical association called "young Germany," and its deadly statutes and oaths, of the arrests that had been made in Zurich in consequence, and the papers that had been found, and lastly the mysterious murder in that canton of a foreigner called Lessing, which was still under investigation. The president also communicated the note of the French

ambassador, and the communications of the other foreign ministers concurring in the sentiments of that note. Ultimately a commission was appointed to prepare a report, which it finished on the 30th.

On the 5th of August the French ambassador communicated to M. Tscharner, avoyer of Bern, a confidential letter received from the French minister for foreign affairs, threatening an hermetical blockade along the Swiss frontiers, if the diet did not soon come to a decision satisfactory to the foreign powers. The next day the ministers of Austria, Prussia, and Baden, called upon the avoyer to support the communication of the French government.

On the 9th of August an incident connected with this troublesome refugee question gave rise to a warm debate. An address was presented from a popular meeting held at Flawyl in the canton of St. Gall, which address condemned the conduct of the federal diet concerning the refugees, in no measured terms, as anti-national and servile towards foreign states.

The deputy of Zurich remarked that no class of persons have a right to insult the constituted authorities, and maintained that this address from the Flawyl meeting, although signed by the landamman and other head magistrates of St. Gall, was insulting to the diet, and therefore ought to be rejected by calling the order of the day.

Luzern endeavoured to justify the boldness and republican tone of the address, though perhaps carried too far.

Ury, Schwytz, Unterwalden, Glaris, Zug, the Valais, and Neuchâtel maintained that the federal diet ought not to admit such unbecoming addresses; and that those citizens who have complaints to make should address themselves to their respective cantonal governments.

Freyburg and the Grisons supported the opinion of Zurich.

Soleure, Basle, Schaffhausen, and Appenzell condemned also the expressions of the Flawyl address.

St. Gall maintained that the people have a right to address themselves to the federal diet as citizens of Switzerland; and that the expressions adopted by the popular meeting at Flawyl, although perhaps rude, were the result of the political progress since 1830 of the canton of St. Gall, such meetings having become common there as in America and England.

Aargau took the same side as St. Gall. "We are not," said the deputy, "the masters of the people, but their servants, and we must listen to their voice, however rude its tones. The people think that the diet has not exhibited sufficient strength in repelling the insinuations of foreign cabinets; for, at the very time when the diet refuses to listen to the voice of the people, it receives with submission the insults of foreigners. The moment will come when the diet will find its authority neutralized between the attacks of foreigners from without, and the shocks from the popular masses within."



Thurgau supported the right of petition, but could not approve of the unbecoming tone of the Flawyl address in addressing the first authority of the country.

Vaud fully acknowledged the right of petition, but not that of rude insult. "There is one thing in this Flawyl address which excites a painful feeling, and that is to see men of considerable standing in their canton, men placed at the head of the state, the church, and of public instruction, concluding their petition to other men in authority, whom they insult, by expressing 'the assurance of their profound respect;' there is a want of candour in this, for, if they were consistent, they ought to have written 'the assurance of their profound indignation.' We are told," continues the deputy of Vaud, "that we are the servants of the people. This is one of those vague phrases which it is easier to utter than to define. We are here assembled for the service of the Swiss nation, and for its good; but are we to be dictated to in all our measures? We have certain instructions from our constituents upon certain subjects, but upon other points we exercise our judgment, and each of us votes for what he thinks best, and no one has a right to question our good intentions. It was but lately that the deputy of Aargau wanted to give unlimited powers to the vorort, a proposal which the deputy of Vaud opposed with all his force. Both deputies no doubt voted sincerely. But how is it possible that the same deputy of Aargau who yesterday voted against the unbecoming language of a foreign communication, should to-day tell the diet that it is at the mercy either of the foreigners from without or of the people from within? This language is as insulting as that of the foreign note."

The deputy of Geneva recognised the sacredness of the right of petition for the redress of grievances, but the petitions ought to be expressed in becoming terms. "When the petitions concern political subjects we ought to be on our guard, we ought not to be overawed by long lists of signatures, covering huge rolls of paper; still more when we see among them the names of magistrates; for a magistrate might speak in the name of the people without calling the people together in the street; himself elected by the people, he ought to have moral courage enough to speak by himself in the name of the people." The deputy of Geneva voted therefore for the order of the day. "The rejection of resolutions truckling to foreign powers has been attributed to the influence of popular meetings. Geneva denies this assertion; our canton," said the deputy, "has acted in full liberty; if it had approved the resolutions proposed, it would have adopted them without minding the popular petitions."

Bern supported the right of petition, but did not admit that self-called patriotic or popular meetings have a right to speak in the name of the nation; "this is an abuse which might have the most dangerous consequences; it leads directly to anarchy and civil war. The more a

people is free, the more it ought to keep itself within constitutional and legal boundaries. The petition before us is not addressed to the proper authority." Bern voted with Zurich and Vaud.

Zurich approved the sentiments of the deputy of Vaud. "I am," says M. Keller, the deputy of Zurich, "the servant of the nation, but in accepting my commission I have not renounced my honour as a private individual." We are told that the people are our master, but where is this people, our sovereign? Men who assemble in self-constituted meetings are not the nation. The great council of Zurich is the representative of the sovereign canton, and the deputy speaks now in its name."

On taking the votes, seventeen cantons rejected the address of Flawyl and called for the order of the day.

These, as well as former extracts of the debates of the Swiss diet, have been inserted in this work as indications of the feelings and opinions which exist in the various cantons, which may prove not uninteresting to the reader.

On the 9th of August the diet adopted the following resolutions:—

1. Those refugees and other foreigners who have abused the hospitality granted to them, and who are proved to have endangered the security, the tranquillity, and the neutrality of Switzerland, and its international relations, shall be expelled the territory of the confederation without delay.
2. The respective cantons shall make the necessary inquiries and investigations concerning particular cases in their respective territory, in concert with the federal directory.
3. The federal directory shall see to the faithful, prompt, and uniform execution of the two foregoing articles, and will address the necessary communications and instructions to the respective cantons. If a difference of opinion arises between the federal directory and one of the cantons concerning some particular case, it shall be referred to the federal diet for its decision.
4. If a canton refuses or neglects the expulsion of a refugee implicated as above, the diet shall enforce its resolution at the expense of the canton.
5. At the expiration of a month after the present resolutions shall have been adopted by a majority of the states (fifteen is the number required to form a majority in important cases) and communicated to the cantonal governments, the federal directory will make a circumstantial report upon its execution.
6. These resolutions shall cease to be in force as soon as the federal directory shall have signified that their object has been fully and entirely obtained and executed.

These resolutions encountered much opposition from various cantons.

While they were under discussion, a man of the name of Conseil, who passed for a political refugee, was arrested in the canton of Bern, and passports and other papers were found upon him showing that he was an informer sent by the French police to watch the proceedings of the real refugees in that country. This discovery excited a burst of indignation throughout Switzerland, and several members of the councils of the eifferent cantons gave vent to their feelings with much vehemence. However, after angry negotiations and threats of a blockade, which was indeed enforced for a while by France on some parts of the frontier, an arrangement was made; the Conseil affair was explained by the French government, and the expulsion against turbulent refugees was enforced by the diet.

The year 1837 passed comparatively quietly for Switzerland, thanks perhaps in a great measure to the general tranquillity and decline of insurrectionary spirit throughout Europe. But in 1838, a new altercation broke out between France and Switzerland, on account of Louis Bonaparte, son of Louis, formerly king of Holland. This young man, after being arrested in the attempt of Strasburg in 1836, and sent to America, had returned to Europe, and was residing at his estate of Arenenberg in Thurgau. The French government complained that his residence in Switzerland was dangerous to the established order in France, where use was made of his name to encourage the disaffected, between whom and Arenenberg there existed an active correspondence. A repetition of the angry discussions of 1836 took place; until at last the diet of 1838 put the question to the vote whether the confederation would acknowledge and support Louis Bonaparte as a citizen of Thurgau, (in which canton he had acquired the bourgeoisie,) and consequently as a Swiss. There were just eleven votes for the acknowledgment, and twelve against; one vote more, and Switzerland was on the point of enduring an invasion from France, whose troops were already assembled on its frontiers. The question, however, remained whether Louis Bonaparte, being a foreigner, was to remain in Switzerland, or should be compelled to leave it, which question he himself however cut short, by declaring that he should leave that country rather than expose it to further dangers; a resolution which he effected soon after. The closing speech of the president of the diet of 1838, avoyer Kopp of Luzern, exhibits in an impressive manner the delicacy and danger of the position of Switzerland on these and similar questions, for want of a supreme central authority, independent of the popular ebullitions and passions of the various cantonal assemblies. It is chiefly upon international questions that a federal union like that of Switzerland shows the weakness of that form of government, as it has not sufficient guarantees to give to its neighbours.

The last eight years have been years of severe trial for Switzerland;

she has however safely passed through them; the new institutions of particular cantons have become consolidated, passions have somewhat subsided, sober reason has again made its voice heard. May Switzerland maintain both her internal tranquillity and her external independence, and continue to be what she has hitherto been—a favoured country in Europe.

THE END.

## APPENDIX.

### No. I. (p. 62.)

THE Gugler's Song, composed at Bern after the victory of the Bernese, and total rout of the invaders, and sung in chorus on the 27th December, 1376, as the victorious militia re-entered that city, bearing at the head of the column the standard of Bern striped red and yellow, with a black bear painted in the middle. (Tschudi's *Chronicle*, published by Iselin, Basle, 1734, under A. D. 1376.) We add a free translation of the song, which is a curious specimen of the language of that time.

Berner wapen ist so schnell,  
Mit dryen gefärbten strichen,  
Die beid sind rot, der mittel gäl,  
Darin stat unverblichen  
Ein bär, gar schwarz gemalen,  
Wol rot sind in die klauen,  
Er it schwertzer dann ein kol,  
Pryss, er er bejagen soll.  
Bern ist in Burgunden ein haupt,  
Fryen stetten ein krone;  
Mengklich si billich lobt  
Wer von inn hört den tone;  
Dann Bern ist der helden ein sal,  
Und ein spiegel überall,  
Der sich bildet one fal.  
Alles Tütschland soll si prysen,  
Die jungen und die grysen.  
In weltchen land ward angeleit,  
Ein mächtige Reise wit und breit:  
Es ist ein schand der Christenheit,  
Dass inen niemand dorfft tun ze leid,  
Als si mit höres krafft,  
Allen herren gross forchte machten;  
Pabst noch keiser dorfft si bstan,  
Weder herrn noch untertan.  
Die Gugler, Englisch, and Britfannen,  
Hin und har si zesammen kamen,  
Den herren und stetten si namen,  
Grossmächtig hab und gut,  
Und sprachend in irem übermut:  
Wir söllend ziehen in der mägten land,  
Zu Elsass söllend wir bliiben,  
Da sind wir sicher von mannen und wyben,  
Dass si uns nit von dannen tryben.

The banner of Bern is formidable, with its three coloured stripes, two of which are red, and the middle is yellow, and its undaunted bear as black as coal, with red paws, and ready to fight for glory and renown. Bern is one of the head towns of Burgundy, and a jewel among free cities; every one deservedly praises her who is acquainted with her name. Bern is a hall of heroes, and a mirror without stain. Throughout all Germany, young and old shall join in praising her.

A powerful league was formed in France, and to the shame of Christendom no one dared withstand it; it made all princes cower before it; Pope and emperor, barons and people, dared not oppose it. The Guglers, English, and Britons, and other adventurers gathered from every land, invaded lands and castles, robbed people of their property, and in the arrogance of their strength thus said boastingly: We shall go to the country of the fair maiden, to Alsace, when we shall be safe from men and wives, and shall not be expelled from thence. The

Der Herr Graf Ingram von Guisen  
Wolt stett und burg nemmen inn  
Er wondt das land wär alles sin,  
Sin schwächer von Engelland halff im  
Mit lib und gut;  
Herzog Yffo von Callis mit sim guldinen hut,  
Graf Salver von Brittan,  
Und meng Herr Lobesan.  
Der von Vienna zu Im sprach:  
Ich klag üch das mit Ungemach,  
Helfend mir um das mine,  
Uwer diener will ich sinē,  
Ich far mit üch gar gern,  
Für die statt zu Bern.

Von Oesterrich, von Beierland,  
Von Wirttemberg, und Schwabenland,  
Herren und stett vil,  
Die schüchtern vast der vienden zil,  
Si lagend ennet dem Rhin,  
Sicher als in einem schirm.

Inen was zun vienden nit vast gach,  
Si kamend inen nit ze nach,  
Und liessend verderben lüt und land,  
Das rich und arm wol empfand.  
Die Engelschen allgemeine  
Kamend über den Lowensteine.  
In dem land si lagend,  
Der bär begunt si fragen:  
Warumb si kämind in das land?  
Er berufft zu im gar bald ze hand  
Sine eydgnossen  
Die luffend nie gar blose,  
Zu Büren an dem Sturm,  
Von einem bösen Wurm,  
Ist der Graf von Nidow tod;  
Herr Motzli nun weer dich es tut dirnot.  
Der gryse, wyse bär gieng ze rat,  
Beyde früt und spat,  
Pryss und eer hab ich bejagt;  
Min hut gewagt fry unverzagt  
In dem gefecht zu Wangen,  
Da ward mir vil der Gfangnen;  
Do ich zu Loupen eerlich facht,  
Zerstört der grossen herren macht:  
Ich han vil stett und burg brochen,  
An den vienden mich dick gerochen  
Mag ich, ich rüch das laster,  
Der Gugeler noch vaster.  
Ich soll min leben daran keren,  
Und irn ein teil zerstören.  
Der bär begunt von zorn wütten,  
Ein lüt und land wol bhüten,  
Mit Werffen und mit Schiessen;  
Si begunt das spil verdriessen.  
Mit Mord-Axen und Haleparten,  
Lag er uff den warten,  
Sine viend er fand zu Inss,  
Do gab er inen den todes-zinss.

Count Ingram of Guise wanted to take possession of towns, districts, and villages, pretending that the whole land belonged to him; his father-in-law of England supplied him with arms and money; the Duke Yvo of Wales, with his golden helmet, Count Salver of Brittany, and many other knights were with him. The Bishop of Basle, John of Vienna, thus spoke to Guise:—"I apply to you to assist me to my own, and I promise to be your faithful servant; I will assist you against the town of Bern."

From Austria and from Bavaria, from Wurtemberg and Suabia, many lords and towns, frightened at the might of the enemy, kept their forces on the right bank of the Rhine, secure as behind a screen.

They did not dare to come near the enemy, and they allowed him to devastate the lands and the property of rich and poor.

The English came together across the Lowenstein, and encamped in the plain below. Then the bear asked them gruffly, "What brings you into this country?" And then he called to him his allies, who gathered in arms towards Büren, where the Count of Nidau was killed by an arrow from the Guglers. Ah Sir Motzli, now is the time to fight in thy defence!

The old wise bear holds council from morning to night, saying to himself, "I have many a time fought in the field of glory and honour; I exposed my life freely in the fight of Wangen, where I made many prisoners; I fought bravely at Laupen, where I overthrew the might of the barons; I have destroyed in my wrath castles and towns; now, may be, I shall more severely punish these perverse Guglers, I will risk my life for it."

The bear grew enraged, and he defended his people and his land with sword and arrow; the Guglers began to dislike the game; the bear met them near Inss, and dealt them deadly blows of the axe and the halbert. The prisoners, who lived to

Die gfangnen Gugläre  
Seitend zu Bern die märe,  
Dass inen in dryssig iare  
Nie wurd kein fort so schwäre.  
Hertzog Yffo von Callis kam gen Frowebrunnen,  
Der bär sprach: Du bist nit so wyss dass du  
mir mogst entrinnen,  
Ich will üch schlagen und treannen,  
Erstrecken und verbrennen.  
Dass in Engelland und Franckrich,  
Die wittwen schryend alle glich:  
Ach iammer und ach wee!  
Gen Bern soll niemand reissen mee.  
Viertzig tusend glifen  
Mit iren stächlin huben,  
Klagend fründ und nefen:  
Der bär kan hertlich kluben,  
Wir hand im ze letze glan,  
Uff drüt tusend gwapneter mann,  
Er ist kühn und unverdrossen,  
Wir hand sin engulten und nit genossen,  
Drum wir wichen müssen,  
Mit händen und mit füssen.

tell the tale at Bern, declared that they never, during thirty years war, had witnessed such a desperate fight. Duke Yvo of Wales came to Frauenbrunnen, and the bear said to him, "Thou art not so clever but I shall overtake thee; I will pierce thee and thine, and exterminate you all by fire and sword; so that throughout England and France your widows shall bewail and cry out, Oh misery! oh woe! Let no one attack Bern any more." Forty thousand warriors, with their steel helmets, will say to their friends and relatives, "That accursed bear gives fearful strokes with his paws; we left him for his prey more than three thousand of our friends; he is bold and persevering, and has constrained us to give up our attempt, and to fly for our lives!"

## No. II. (p. 89.)

The language of the Grisons is divided into two principal dialects, the Rumonsch and the Ladin; the latter is the dialect of the Engadin. These dialects are each subdivided into upper and lower. The origin of these dialects is certainly Italian, and they are quite distinct from the Teutonic dialects of the surrounding cantons of Switzerland. They are believed to be the remains of the ancient Etruscan language, more ancient than the written Latin, or Roman language, but having probably great affinity to the spoken languages of Latium, Umbria, and other parts of central Italy, before the period of Roman greatness. The Etruscans were at one time in possession of a great part of the plain of the Po, from whence they were expelled by the Gauls in the second century of Rome, or about 600 years before Christ. They then took refuge in the mountains of Rhaetia, where names still remain which remind us of Etruria and Latium, such as the river Albula, the towns of Lavin, Ardez, Thusis, Rhœzuns, &c. Several authors, Planta, Conradi, and Father Placidus a Specha, canon of Disentis, have written on the history and peculiarities of the Rumonsch and Ladin dialects. The Ladin bears most affinity to the modern Italian, especially to the dialects of Lombardy. The following specimens of the first part of the parable of the prodigal son in two dialects of the Rumonsch, and two of the Engadin, taken from Stalder's "Dialektologie," show the shades of difference between them, and, at the same time, their derivation from one common stock. Added to them is a translation of the same text in the dialect of Bellinzona, in the canton Ticino, on the Italian side of the Alps, which seems to form the intermediate step between the Rumonsch and the Milanese or Lombard dialects.

It is well to observe that the rural dialects of Western Switzerland, called langue Romane or Romande, such as those of Vaud, Fribourg, Geneva,



Neuchâtel, &c., have more affinity to the French than to the Italian, and are not so regular in their forms as the Rumonsch and Ladin of the Grisons, which are written languages. The Bible has long since been published both in Rumonsch and Ladin. Several collections of hymns and other poetry

## TEXT OF THE VULGATE.

Luke xv. 11. et seq.

Homo quidam habuit duos filios:  
Et dixit adolescentior ex illis patri:  
Pater, da mihi portionem substantiæ quæ  
me contingit. Et divisit illis substan-  
tiam.

Et non post multos dies, congregatis  
omnibus, adolescentior filius peregre  
profectus est in longinquam regionem, et  
ibi dissipavit substantiam suam vivendo  
luxuriose.

Et postquam omnia consumasset, facta  
est fames valida in regione illa, et ipse  
cepit egere.

Et abiit, et adhæsit uni civium regionis  
illius. Et misit illum in villam suam ut  
pasceret porcos.

Et cupiebat implere ventrem suum de  
siliquis quas porci manducabant, et nemo  
illi dabat.

In se autem reversus, dixit: quanti  
mercenarii in domo patris mei abundant  
panibus, ego autem hic fame pereor.

Surgam, et ibo ad patrem meum, et  
dicam ei: Pater, peccavi in cælum, et  
coram te.

Jam non sum dignus vocari filius  
tuus; fac me sicut unum de mercenariis  
tuis.

Et surgens venit ad patrem suum.  
Cum autem adhuc longe esset, vidit  
illum pater ipsius, et misericordia motus  
est, et occurrens cecidit super collum  
ejus, et osculatus est eum.

Dixitque ei filius: Pater, peccavi in  
cælum et coram te, jam non sum dignus  
vocari filius tuus.

Dixit autem pater ad servos suos:  
Cito proferte stolam primam, et induite  
illum, et date annulum in manum ejus,  
et calceamenta in pedes ejus.

Et adducite vitulum saginatum, et  
occidite, et manducemus et epulemur.

Quia hic filius meus mortuus erat, et  
revixit: perierat et inventus est. Et  
ceperunt epulari.

DIALECT OF LOWER  
ENGADIN.

Un tschert ômm veva duus filgs:  
Et il juven de els decheva al bap:  
Bap da a meila portiun della substanza  
quale a mei tocca. Et el ha parti ad els  
la substanza.

Et davò brichia bleers dits, ha il juven  
raspà insemel tot, et eis chiaminà in  
in paiais dalontch, et tscha hal disfat  
sea substanza vivond lischiergiùs.

Et davò chia el ha consumà tot, eis  
vengnì grande fom in less paiais, et el  
ha cumainza a indurar.

Et eis i, et s' ha tachia ad un vaschin  
de lessa regiun, et el il tramettet in sea  
vilascha, chia el parchura ils porchs.

Et giavuscheva de umplir il venter  
dels mailgiaduors quals ils porchs ma-  
glievan, et ingtìn ils deva ad el.

Mo in seu returnà hal dit: quants  
lavureints in chiasa de mees bap han  
pang in abundanza, et é sto qua peri  
d' fom!

E vo starsu et ir pro mees bap, et dir  
ad el: Bap, e nha pechia in tschoel et  
avant tei.

E nu sun deng da guir nomnà tees  
filg; fa mei scò un de tees lavureints.

Et alvond sti, eis el veugni pro sees  
bap. Ma cura el era amò dalonsch,  
schi il veset el sees bap, et muainta da  
comiseratiùn hé el curri incunter ad el,  
l'ha imbratschà et buschà el.

Et ils filg dschet ad el: Bap! e nha  
fat puchia in tschoel et avant tei; già  
nu sun deng de gnir nomna tees filg.

Ma il bap ha dit a sees servieints:  
dalunga porteinang il prim buschmaint,  
trateint el, dat un anné in sees mang et  
schiarpas in sees pees.

Et manai pro un vadee ingraschá  
chia no ius possem alegrar et mangiar.

Perchia quest mees filg era mort et  
eis reviou, era peri, et eis chiatà. Et els  
han cumeinzà il past d' alegria.

exist in the same languages, as well as national chronicles. Numerous MSS., some of them eight or nine centuries old, existed in the convent of Disentis, which was burnt by the French on the 6th of May, 1799. A newspaper is now published in Rumonsch.

## UPPER ENGADIN.

Un hom havaiva duos filgs:  
Et il juven d' els dschet al bap, Bap,  
dom la part della facolted, ch' im po  
tucher. Et el dividet ad els la facolted.

Pochs dis zieva haviand il filg juven  
accolt tuot insemel giet in paiais da-  
lonsch, e disfet lo tuot il sieu, vivand  
schlashedamang.

Ma haviand el trasatò il tuot, rivet  
una granda fam in quel paiais, et el  
comanzet a sufrir maungel.

Giet dimena a s' iffiner tier un con-  
tadin da quella contrada, il quel il tra-  
matet sun sia campagna a parchirar ils  
porcs.

El bramaiva d' implir sieu vainter con  
pastrùlg, chials porcs maglaiven, ma  
ungun nu 'l daiva.

Giand dimenna in se dschet: taunts  
mercenaris in chese de mieu bap haun  
paun in abundanza, ma eau peresch d'  
fam.

Eau volg partir et ir tiers mieus bap,  
e dscharò: Bap; eau he pchiò conter il  
cel, et avaunt te.

Ne sum pù deng d' esser nomnà tieu  
filg, trattam scò un de tieus mercenaris.

El partit et gnit tiers sieu bap: siand  
aunchia dalonsch il vezet sieu bap, as  
compassionand, currit el al branclet et  
bitscher.

Co dschet il filg ad el: Bap! eau ho  
pchiò conter il cel et avaunt te, ne sum  
pù deng d' esser nomnà tieu filg.

Ma il bap dschet a sieus famalg  
aporti il pù bel vestimaint et vesti 'l et  
del un ané in sieu maun, e scharpas in  
sieurs pies.

Mné tiers ün odé ingraschó, mezz 'l  
e stain legers, perche quist mieu filg eira  
mort, ed ais returnò in vitta, el eira pers  
el ais rechiattò. Usche comanzetten  
eis a ster legers.

From the New Testament in the Ru-  
monsche of the Grey League. *Ilg*  
*Nief Testament da Niess Senger Jesu*  
*Christ, ent ilg Languaig Rumonsch da*  
*la Ligia Grischa; Cuera, 1820.*

Un Hum veva dus filgs:  
Ad ilg juven da quels schet alg bab;  
Bab, mi dai la part de la rauba c' aud'  
a mi: ad el parché or ad els la rauba.

A bucca bears gis suenter, cur ilg filg  
juven vet tut mess ensemel, scha tilà 'l  
navent, en ünna terra dalonsch; a lou  
sfiget el tut sia rauba cun viver senza  
sparng.

A cur el vet tut sfaig, scha vangit ei  
en quella terra ün grond fumaz; ad el  
antschavet a ver basengs.

Ad el mà a sa plidè enn un Burgeis  
da quella terra; a quel ilg tarmatet or  
sin sés beins a parchirar ils porcs.

Ad el grigiava dad amplanir sieu  
venter cun las criscas ch' ils porcs mal-  
giavan; mo nangin lgi deva.

Mo el mà en sasez a schet; quonts  
fumelgs da mieu bab han bundanza da  
paun, a jou mier d' fom!

Jou vi lavar si, ad ir tier mieu bab, a  
vi gir a lgi: Bab, jou hai faig puccau  
ancunter ilg tschiel ad avont tei.

A sunt bucca pli vangonts da vangir  
numnaus tien filg: fai mei esser scò ün  
de tes fumelgs.

Ad el lavà si, a vangit tier sieu bab:  
a cur el fò ounc dalonsch, sch' ilg vaset  
sieu bab, a sa parnet puccau d' el; ad el  
curret, a curdà vi da sieu culiez, ad ilg  
bitschà.

Mo ilg filg schet a lgi: Bab, jou hai  
faig puccau ancunter ilg tschiel, ed  
avont tei, a sunt bucca pli vangonts de  
vangir numnaus tien filg.

Ad ilg bab schet a ses fumelgs: Dei  
nou ilg pli bi vastcheu, algì targeit ent,  
a mettie ün ani en sieu maun, a calzèrs  
en sés peis.

A maneit nou quei vidi angarschau, a  
mazeit, a mangein a stein da bunna  
velgia.

Parchei ca quest mieu filg fova mort,  
ad ei vangeus vifs; el fova pardenus, ad  
ei vangeus afflaus. Ad els antschevan  
ad esser de bunna velgia.

OBERLAND RUMONSCH OF  
THE CATHOLIC DISTRICT.

In tschiart omni veva dus filgs:  
Et il pli giuven ha dietg agli bab:  
Bab da a mi or la part della rauba che  
auda a mi. Et el ha partigiu or ad els  
la rauba.

Paucs diis suenter ha il filg giuven  
rimnau ensambel tutt, et es ius enten ina  
tiara dalunsch, et lau ha el fatg ir sia  
rauba cun se surdar a schliats plischeers.

Et suenter ch' el veva veuschiu tutt,  
schi ei vengiu ina gronda fom enten  
quella tiara, et el ha entschiet a patir  
muncanza.

Et el ei ius et ha priu surveteh tier in  
vischin da quella tiara. Quel ha termess  
el sin sia meria a parchiarar il portgs.

El vess bugen compliui siu venter cun  
quel fretgs ch' ils portgs migliavan, et  
ningin dava ad el de quels.

Mo ius en sesez ha el detg: conts  
luvreers han buldonza de paun enten la  
casa de miu bab, et iau mierel cheu  
della fom.

Jeu vo levar si, ir tier miu bab e dir  
ad el: Bab ieu hai fatg puccau encunter  
il tscheil e cunter tai.

Jeu sundel buce vengonz de vengnir  
nomnaus pli tui figl: tegu mei sco in  
dils tees luvreers.

E levont si eis el ius tier sui bab. Mo  
cura ch' el fuva aunc dalunsch, ha siu  
bab viu el, e muentaues de compassiun es  
el currius vi tier, ha priu el entuovn  
culiez e bitschari el.

Et il filg ha detg ad al: Bab, ieu hai  
fatg puccau encunter il tscheil e cunter  
tai. Jeu sundel buce vengonz de vengnir  
nomnaus pli tui filg.

Mo il bab ha defgals sees survrients;  
portei gleiti neutier il pli bial vestigiu et  
tirei eun adel, mettei in anni enten siu  
maun, e calzeers enten sees peis.

Mani neutier in vidé grass, e mazei  
el, sina quei che nus possien far in past  
de legria.

Partgei quest miu feigl ei staus morts  
et ei pusspei vivs, el ei staus piars et  
vengniu anflau. Et els han entschiet  
a migliar.

DIALECT OF BELLINZONA, south  
of the Alps, in the Italian canton of  
Ticino; that of Locarno differs but  
very little from it.

Oum cert uom al gha avit dü fiö:  
E al piü giovan da lor l' ha di al pa-  
dar: Pa, damm la part da la sostanza,  
ca me tocca: E al gha dividü la sos-  
tanza.

E dopo migna a tanti di, mettü in-  
semma tuttcoss, al fiö piu giovan l' é  
parti in paes lontang, e li l' ha fai na la  
soua sostanza col vif lüsüriosament.

E dopo che l' aveva constüta tuttcoss,  
ghe ventü ouna gran fam in quel paes, a  
lù l' ha comincia a trovass in bisogne.

E l' é anda e l' se tacca a vügne de  
quel paes. E al l' ha manda föra in di  
sö fondi a guida i porcei.

E al desiderava de impieniss al so  
ventar di giand che i porcei i mangiavan;  
ma nissügne g' an dava.

Torna donca in lù, l' ha di: quants  
lavorant in ca dal me pá i abandon de  
pang, mi mo chi a möri da fam!

A staro sü, e andaro dal mi pa, e ga  
disar: Pá, i' ho pecca contr' al ciel e d'  
annanz' a ti.

Oramai a soum piü degne de vess  
ciama to fiö: famm coma vügne di tö  
lavorant.

E stand sü l' é vegnu dal so pa. Ma  
essend ancamo da lontang, al l' ha vedü  
al so pa, el s' é movü a compassiun, e  
correndog in contra al g' ha s' é butta al  
coll, e l' ha basa sü.

E al fiö al g' ha di: Pá, j' ho pecca  
contr' al ciel, e dannanz a ti, oramai a  
soum piü degne de vess ciama to fiö.

Ma al padar l' ha di ai sö servitor:  
prest tie scha al piü bell vesti, i e vestill  
sü, e deg oun anell in mang, e di scarp  
ai pè.

E mene scha oum vedell ingrassa e  
mazzell, e mangiemm e femm past.

Parche stou me fiö l' era mort e l' é  
rischüschita, l' era anda perdu, l' sta  
trova. E j' an comincia a fa past.

No. III. (p. 132.)

In January, 1528, the following theses, after being publicly discussed,  
were approved of at Bern by the evangelical or reformed preachers:—

I. The Holy Christian Church, of which Christ is the only Head, is born  
of the word of God, and continues attached to it, and does not listen to the  
voice of a stranger.

II. The Church of Christ does not make laws and ordinances unless  
grounded upon the word of God. Therefore, all the ordinances of men,  
which are called by the name of Commandments of the Church, are not  
binding upon us, unless they be founded upon, and ordained by, the word of  
God.

III. Christ alone is our wisdom, our justice, our redemption, and satis-  
faction for the sins of the whole world. It follows, therefore, that to ac-  
knowledge other merits as means of salvation, and other satisfaction for sin  
is to renounce Jesus Christ.

IV. It cannot be proved from Holy Scripture, that the body and the  
blood of Christ are contained materially and bodily in the Eucharistic  
bread.

V. The mass, such as it is now, in which the sacrifice of Jesus Christ is  
daily offered to God the Father for the sins of the living and the dead, is  
contrary to Scripture; it is a sacrilegious insult against the holy sacrifice,  
passion, and death of Jesus Christ, and is an abomination before God.

VI. Jesus Christ, having alone died for us, must be alone invoked as our  
mediator and intercessor between God the Father and the faithful. It is,  
therefore, without any foundation on Scripture that we are told to invoke  
other mediators and intercessors from among the dead.

VII. There is no scriptural ground for attesting that there is after this  
life any purgatory, or place in which souls are purified by fire. Therefore,  
all the services for the dead which have been introduced, as vigils, masses,  
funeral processions, oblations, anniversaries, lamps, wax tapers, and other  
such things, are useless and vain.

VIII. To make and set up images in order to bestow upon them a reli-  
gious honour or worship, is contrary to the word of God, both in the Old and  
New Testaments. They ought, therefore, to be abolished, whenever there  
is danger that the people should bestow upon them a religious honour.

IX. Holy marriage is not forbidden by Scripture to any class or order of  
men; it is, on the contrary, recommended to all, in order to avoid fornica-  
tion and lewdness.

X. A public fornicator is excommunicated by the Scripture; and there is  
no order of men in whom lewdness is more pernicious than it is in clergy-  
men, on account of the scandal they give thereby, and of the disorder which  
is consequent upon it.

On the 7th of February of the same year, 1528, the great and little coun-  
cils of Bern issued the following edict of reformation, in thirteen articles:—

I. The ten theses already discussed are approved and confirmed, and all

subjects of the state are ordered to conform themselves to them, forbidding all rectors, curates, and other presbyters, to teach or speak against the above theses, under pain of being deprived.

II. The four bishops of Constance, Basel, Lausanne, and Sion, are deprived of all spiritual jurisdiction over the subjects of our state, as they did not attend the disputation concerning the theses, which, had they been able to support their doctrine by the word of God, they would have done. Their temporal jurisdiction, however, is left to them.

III. and IV. The deans, and other members of chapters, are freed from the oath which they have tendered to the bishops, and they are instead to take a new oath before their excellencies of the little council. Those deans who may oppose the evangelical doctrine are to be deprived, and others appointed in their places. The clergy of the canton are no longer obliged to attend chapters out of the territory of the state.

V. The mass and images are abolished for ever at Bern. But as there are in the country various populations and districts which are yet uninstructed and weak in the faith, their excellencies wish not to act harshly towards them; but pitying them, and praying God that they may become enlightened, they leave them the faculty of abolishing or not the mass and images, according to the vote of the majority. Meantime they enjoin upon either party not to insult or revile the other.

VI. It is intended generally to abolish all that is contrary to the word of God, and to the peace, union, and welfare of the community.

VII. Although the ceremonies of the mass, offices for the dead, anniversaries, &c., are abolished, yet the foundations or legacies bequeathed for these various purposes, the quit rents, census, and other dues, shall continue to be paid as heretofore, in order that the clergymen who have benefices may enjoy their income during their lifetime, and live and die in peace. After their death, we shall dispose of the property according to justice, not for our benefit, but in such a manner as that we may be able to give an account of our management to God and men. Those persons, however, who have given property to convents, or have founded chaplainships and other minor benefices, without cure of souls, may resume it.

VIII. With regard to those cures or benefices which were annexed to convents, the Vogt or Avoué of the convent shall give an account of their revenue, which shall be afterwards disposed of as may be thought fit. No lord, or patron, or collator of a church, is to appropriate to himself or touch any part of its revenues.

IX. In order to avoid scandal, the vases and other ornaments of the churches shall remain where they are till further orders, with leave to the companies and corporations commonly called Abbayes, and also to private individuals who have altars and chapels belonging to them, to claim those utensils and ornaments attached thereto, in order that they may remove them.

X. Marriage is allowed to the clergy.

XI. Every one shall be allowed to eat of all sorts of meat, without distinction of days, but with thankfulness, and without any excess or drunkenness. Taverns, and other public places of entertainment, are to be shut up at nine o'clock in the evening, under a penalty of ten livres and upwards.

XII. Monks and nuns may remain in their convents if they like, but must not admit any more novices or boarders; those who wish to leave their convents may do so, carrying away that which they brought with them; and if they choose to marry, and have not enough to support themselves, their excellencies will assist them out of the property of the convents. But, whether they marry or not, they must, on leaving the convent, quit the dress of their order.

XIII. All clergymen having the cure of souls are to preach four times a week, Sunday, Monday, Wednesday, and Friday, under pain of dismissal, except during the sowing and reaping and vintage periods, when the peasants cannot attend church on week days.

RUCHAT: *Histoire de la Réformation en Suisse.*

#### No. IV. (p. 142.)

The Helvetic Confession of Faith, consisting of 30 chapters, was drawn out in Latin by Henry Bullinger, a friend of Zwingli, and other Swiss reformers. It was accepted by all the Swiss Protestant Cantons, and was translated into both French and German. It was also approved of by the Protestant churches of Scotland, Hungary, Poland, and France. The full title of the work is:—"Confessio et Expositio simplex Orthodoxæ Fidei et dogmatum Catholicorum sinceræ Religionis Christianæ; concordita ab Ecclesiæ Christi Ministris qui sunt in Helvetia, Tiguri, Bernæ, Glaronæ, Basileæ, Scaphusii, Abbatisellæ, Sangalli, Curia Rhætorum, et apud Confederatos Mylhusii item ac Biennæ; quibus adjunxerunt se Genevensis et Neocomensis Ecclesiæ Ministri, una cum aliis Evangelii Præconibus, in Polonia, Hungaria et Scotia." 8vo. Tiguri. 1566, and again in 1651. The latest French edition is that of Lausanne, 1834: "La Confession de foi Helvétique." But as it forms a volume of 152 octavo pages, we give here an authenticated abstract of it as published at Lausanne two or three years since under the title of "Articles de la foi Chrétienne extraits textuellement de la Confession de foi Helvétique."

I. We believe and confess that the canonical books of the holy prophets and of the holy apostles, which constitute the Old and New Testaments, are truly the word of God.

All the members of the Christian Church may find in the Holy Scriptures all that is required to render their faith a saving faith, and to regulate their morals in a manner agreeable to God.

We do not think that the preaching of the word of God is useless, but we are persuaded that a solid knowledge of true religion depends on the illumination by the Holy Ghost.

II. We believe and teach that there is but one God; that this Being exists necessarily of himself; that he is sufficient to himself, invisible, immaterial, immense, and the only Eternal; that he is all-powerful, and the Creator

of all things which exist; that he is living; that he animates and supports everything; lastly, that he is good, wise, merciful, just, true, faithful, and our supreme good.

At the same time we believe and teach that this God, which in its essence is one and indivisible, is distinguished in holy writ into persons which must be neither separated nor confounded, namely, the Father, the Son, and the Holy Ghost. The Father has begotten the Son of all eternity, and the Son has been begotten by the Father in an ineffable and to us incomprehensible manner. The Holy Ghost proceeds from both, of all eternity, and ought to be adored with both the other persons. There are not three Gods, but three persons in the same Being, equal and co-eternal, yet distinct in an incomprehensible manner with regard to their personality, for one of them is not the other, and also with regard to order, for one precedes the other. Still there is no inequality between them, but their essence is united and common to the Father, the Son, and the Holy Ghost, so that there is but one and the same God.

III. We teach that we will adore and invoke God alone; that we ought to serve God in the manner which he has commanded us, without superstition, in spirit and truth.

We invoke, therefore, God alone in all our ills, in all our dangers, and in all our wants; we invoke him through the sole mediation of Jesus Christ our only intercessor.

IV. We believe that all which is in the heavens and upon earth is maintained and governed by the providence of a wise, good, powerful, and eternal God. We do not, however, consider as useless the means employed by Providence, and those which we ought to employ ourselves after the manner prescribed in the divine word. God, who has known and determined the end of everything, has also foreseen and ordained the beginning of it; the end is connected with the means in his prescience as well as in the nature of things.

V. This God, infinitely good and all-powerful, whom we adore, has created all the things which exist, visible as well as invisible, through his co-eternal Word, and he maintains them all through his co-eternal holy Spirit.

All which God created "was good" in its origin. (Genesis i.)

Man particularly had the use of all which was necessary to him.

The most excellent of creatures are the celestial intelligences, and man.

We teach that some of the celestial intelligences have persevered with firmness in their obedience, and these are the angels which are ordered to serve God and assist the faithful. Other spirits did not remain steadfast in obedience, but fell voluntarily into sin: God hurled them into perdition, and they became the enemies of all good, and consequently the enemies of the faithful.

With regard to man, Holy Scripture also teaches us that he was created in righteousness, and formed after God's image. He was placed in the earthly paradise, and everything was made subject to him.

We teach that man is composed of two different substances or natures,

which form but one person, namely, of an organic body and an immortal soul, which soul when separated from the body by death does not sleep or perish. The mortal body will be resuscitated at the last day, in order that the whole man may remain for ever in the abode of happiness or in that of punishment.

VI. God at first created man after his own image, in righteousness and innocence. But man, through an abuse of his liberty, allowed himself to be seduced by the serpent, and thus forsook his original righteousness. Consequently he became subject to sin and death and all sorts of miseries, and such as the first man became through his fall, such also are all those who have issued from him.

When we say that man is subject to sin, we mean thereby that corruption or depravity of man which is born with him, and which is transmitted (since the first man) from father to son; vicious passions and propensities, a dislike of virtue, and inclination to all evil, a disposition to malice and mistrust, and to the contempt and hatred of God; these are the unhappy effects of that corruption which renders us incapable of any good. As man advances in age, he bears corrupt fruit, worthy of an evil tree: thoughts, words, and actions are those evil fruits. Exposed thereby to the wrath of God, we have to expect from Him nothing but a just punishment; and he would even have rejected us altogether, if Jesus Christ, our Saviour, had not led us back to him.

By the death to which sin has made us subject, we mean not only the death of the body which we must all bear once in consequence of sin, but also the separation from God, and the eternal punishment which our sins deserve.

We acknowledge, therefore, that there is an original sin in all men. We confess also that all transgressions of the Divine law which emanate from this original corruption, are true sins, by whatever name they may be designated.

We acknowledge also that all sins are not equally criminal, although they be all derived from the same source of corruption and want of faith; some of them are more enormous than others; and therefore it is the Lord tells us that there will be various degrees of punishment proportionate to them.

VII. Those questions which concern the liberty or free will of man have in all times been the cause of unhappy disputes in the church. We teach upon this subject as follows:—Man ought to be considered in three aspects. 1st. In his former state of innocence. 2dly. In his fallen state. 3dly. In his recovered or redeemed state.

1st. *State of man before his fall.*

At the first, Man came forth innocent from the hands of his Creator, and was free; he could remain steady in uprightness, but he could also turn to evil, and by taking unfortunately the latter course, he abused his liberty, and has drawn upon himself and his posterity a load of evils.



2dly. *State of man after his fall.*

We must now consider what man has become since his fall. He has not been deprived of his judgment, or of his will; he has not been reduced to the state of a tree or stone; but his faculties have been so much altered and weakened that he cannot do now what he could have done before his fall; his intellect has become darkened, and his will, which was once free, has become a slave. He has been made subject to sin, not through constraint but through inclination; and his will, although in a state of subjection to the senses and the imagination, is still called will, and not coercion. Thus man continues to sin without external constraint from the devil, much less from God, but of his own accord, and spontaneously, and in this respect he is free.

Since the fall of man, his intellect, abandoned to itself, can no longer judge rightly of divine things, and of those which concern virtue. The Holy Scriptures teach us that now, in order to be saved, man must be regenerated. Therefore our first birth which we derive from Adam is of no avail for our salvation.

For all which regards the things of this world, man, though corrupt, has not lost all capacity for knowing and judging for himself. He is still, thanks to Divine mercy, gifted with intelligence, though of a less perfect kind than it was at the beginning. God wishes that man should cultivate his mind, and enrich it with useful knowledge, and he grants him talents for this purpose, and blesses the efforts of man directed thereto.

3d. *State of regenerated man.*

The understanding of the regenerated faithful is enlightened by the Holy Ghost, so that it knows the mysteries and the will of God; their will is likewise changed by the Holy Ghost, and supplied with strength to turn willingly unto good and to do it.

There we must well notice two things; the first is, that regenerated man, when he chooses the right path, does not only experience within himself the operation of God inclining him towards it, but he feels also that he acts of himself, of his own accord, and with pleasure.

Another fact, which is not less deserving of remark, is, that there are always remains of weakness even in regenerated man. The traces of sin are still in us, and the flesh resists the spirit till the end of our life, so that the faithful cannot execute with perfection all which they propose to do. But as the passions have no longer sufficient power to extinguish the flames of the Holy Ghost, the regenerated are looked upon as free, though they ought to feel constantly their weakness, and not pride themselves on their liberty.

Besides no one denies that both the regenerated and the unregenerated are free with regard to things which concern only the present life. Man as well as the animals inclines towards certain things and feels aversion from others; he wills or wills not, he can speak or be silent; leave his house or remain in it. But in this also we ought to acknowledge the superior power of the Supreme Being.

VIII. God, out of his wisdom, has predestined or chosen, from all eternity, freely, of his own mere grace, and without regard for persons, the righteous whom he intends to save through Jesus Christ.

Therefore God has chosen us, not without reason, but without any merit on our part; he has chosen us in Jesus Christ and for the sake of Jesus Christ, so that those who are united to the Saviour by faith are the elected of God, and those, on the contrary, who are not thus united to Jesus, are condemned.

We ought to notice also that the faithful have been elected by God in Jesus Christ for a certain object which the apostle explains to us when he says, "He has chosen us in Jesus Christ, that we should be holy and without blame, before him in love, having predestinated us unto the adoption of children by Jesus Christ to himself, to the praise of the glory of his grace." Ephes. i. 4, 5, 6.

Although God alone "knows those whom he has chosen," (John xiii. 18.) and although it is said in the Scripture that "many be called but few are chosen," (Matthew xx. 16.) we must hope, nevertheless, favourably of every one, and not rashly class any one among the number of the condemned.

We must here consider above all things how great is the charity which God the Father has manifested to us in Christ. We ought to consider the Saviour himself teaching us perpetually in his Gospel, and calling us to him.

Therefore Jesus Christ must be for us the mirror in which we ought to contemplate our predestination and our election; if we hold communion with Christ, and that by means of a true faith he be ours and we his, we then have a clear and tolerably certain proof that our names are written in the book of life.

IX. We believe and teach that the Son of God, Jesus Christ our Lord, has been, from all eternity, destined and established by God his Father to be the Saviour of the world. We are also persuaded that he has been begotten of the Father, in an ineffable manner, not only before the creation of the world, or at the time of his conception in the womb of the Holy Virgin, but from all eternity. Therefore the Son of God is equal to his Father as to his divinity; he is of the same essence and a true God. He is not Son by adoption only, nor by any grace, but he is true God by his nature. We believe also and teach that the eternal Son of the eternal God is become the son of man, being issued out of the posterity of Abraham and of the family of David. He has not been begotten by man. He has been conceived of the Holy Ghost, and born of the Virgin Mary.

Our Lord has also had a true soul as other men have, and a feeling body like our own.

We confess then that there are in Jesus Christ our only Lord two different natures, the divine and the human, and that these two natures are united with their respective properties into one person in such a manner that they are neither absorbed one by the other, nor confounded one in the other. We honour therefore a single Lord, who is true God and true man, equal to the Father by his divine nature, but also of the same substance with us in his human nature, similar to us in all, except in him.

X. We believe, moreover, that our Lord Jesus truly suffered in his body for us, and that he died. We believe also that our Lord was resuscitated from the dead with the same body in which he was crucified, and not with another body instead of that which had been buried, and that he did not assume a ghostly appearance instead of a real body.

We believe also that our Lord has ascended with the same glorified body to the heavens, into the mansions of the blessed, in the palace of God, and that he sits at the right hand of God.

As Jesus ascended to heaven, so he will come again to judge mankind, when wickedness shall have reached its full measure, and when the anti-christ, having corrupted the true religion, shall have filled the earth with superstition and impiety, and shall have ravaged the church by fire and sword; the Lord will come then to liberate his own, to destroy the antichrist, and to judge the quick and the dead.

The dead shall then come to life, and all those who shall be alive that day, a day which is unknown to all mortals, will undergo a sudden change, and all the righteous shall be lifted up to heaven in the presence of Jesus Christ, to enter with him into the kingdom of happiness, and live for ever there, but the unbelievers and the wicked shall be hurled into hell with the devils, to suffer there eternally, in torments without end.

Our Lord, by his passion, his death, and all that he had done and suffered for the love of us, since he manifested himself in the flesh, has reconciled his heavenly Father with all the faithful; he has expiated sin, stripped death of its power, and annihilated condemnation and hell, and by his resurrection he has conquered for the righteous life and immortality. He is therefore our justification, our life, and our resurrection; in one word, in him are found the perfection and redemption of all the faithful, their salvation, and the fulness of all heavenly good.

We believe therefore that Jesus Christ our Lord is the only and eternal Saviour of mankind, and that in him have been saved by faith all those who have obtained salvation, before the old law, under the old law, and under the new dispensation of the Gospel, as well as all those who shall be saved until the end of the world.

We declare and teach therefore that Jesus Christ is the only Saviour of the world, our King and Sovereign Pontiff; in a word, the true Messiah; we acknowledge that his holy person is the fountain of all blessings which was expected from the beginning of the world; that he is the Messiah represented in all the emblems of the old law, promised by the oracles of the prophets, and whom God has sent to us, so that we must not expect any other. We are therefore bound to give to Jesus all the glory which is due to him; we must believe in him, confide in him alone, renouncing and rejecting all other means of help, consolation, and happiness. All those who seek their salvation in any other than through Jesus Christ alone, are fallen from grace, and render the Saviour useless to them.

XI. We teach that the law of God places his will before our eyes; it tells us what the Supreme Lawgiver wills or does not will that we should do; it discriminates between that which is good and righteous and that which is bad and wicked. We acknowledge that this divine law is just and holy; it

has been written by the hand of God in the hearts of men, and this is what we call the natural law; it has also been engraved by the finger of God upon the two tables of the ten commandments, and has been explained by Moses in his holy books. We distinguish in the Mosaic law, 1st, the moral law which is contained in substance in the ten commandments; 2d, the ceremonial law, which regulates the sacred ceremonies and religious worship; and 3d, the judicial law, which refers to the civil and domestic government of the Hebrews.

We believe that this divine law teaches us perfectly the will of God, and gives us all the necessary precepts for every circumstance of this life.

We teach also that this law has not been given to men that they should be justified or declared innocent through its observance, but rather in order that by its precepts we may acknowledge our weakness, our sins, and our state of condemnation, and that, despairing of our own strength, we may turn in faith towards Jesus Christ to obtain salvation through him.

There is no man who ever could or ever can fulfil the law of God, on account of the weakness which is in us, and which will remain in us until our last breath.

The law of God has been abolished in as much as it does not condemn us any more, and does not threaten us with its wrath. In this sense we are no longer under the rule of the law, but under that of grace. Jesus Christ has accomplished the figures and the types of the law. The shadow has disappeared in the presence of the body, so that we have now in the Saviour the truth and the fulness of grace.

We do not, however, despise the old law, for we remember the words of the Lord: "I am not come to destroy the law or the prophets, but to fulfil them," (Matthew v. 17.) We know that the law gives excellent rules concerning virtue and vice. We know that all the Old Testament is useful to the church, if it is explained by the New.

XII. People often put the Law in opposition to the Gospel, because the law threatens malediction and wrath, whilst the Gospel preaches grace and blessing. It is, however, certain that those who have lived before the law or under the law, have not been deprived of the comfort of the promises of the Gospel.

We acknowledge that the faithful of the olden times have had two kinds of promises revealed to them as well as to us, one concerning the actual age in which they lived, and the earthly blessings which God bestowed upon them and their race, such as the possession of the land of Canaan and the victory over their enemies, and such is also the promise we have of having our daily bread given to us. But the other promises were for them as they are for us, promises of heavenly and eternal goods, such as the grace of God, the forgiveness of sins, and the eternal life through faith in Jesus Christ. Therefore the righteous under the old law had not only earthly promises, but also promises of spiritual and heavenly blessings through Jesus Christ.

But though our forefathers have had in the writings of the prophets a Gospel of promise by means of which they have obtained salvation in Jesus Christ through faith, yet, properly speaking, we call Gospel that happy message which was brought to the world, first by the preaching of John the

Baptist, afterwards by the Son of God himself, and after him by his apostles and all their successors; which Gospel reveals to us that God has fulfilled the promise which he had made from the beginning of the world, by sending at the appointed time and giving to us his only Son, and securing to us through him reconciliation, remission of sins, fulness of grace, and eternal life. The history which has been written by the four evangelists of all which Jesus Christ has done and taught in order to ensure the fulness of his grace to those who believe in him, that history is called the Gospel. For the same reason, the writings of the apostles, in which they explain to us how the Son has been given us by the Father, and with the Son all which concerns life and salvation, these writings are called the evangelical doctrines, and the same dogmata, preached and expounded in their purity at the present day, deserves also a like appellation.

This preaching of the Gospel is called by the apostle Paul "the Spirit," and "the ministry of the Spirit," because it is rendered efficacious on the faithful by the illumination of the Holy Ghost which produces faith. The "letter," which is opposed to the "spirit," designates in general all which is external, and more particularly the doctrine of the law without the agency of the Spirit, and therefore without that living faith of the heart which is the gift of the Holy Spirit; it designates the doctrine of the law which engenders sin and worketh wrath, and for this the apostle calls it a "ministry of death," and says that "the letter killeth," but "the spirit giveth life."

Although the doctrine of the Gospel, compared with that of the law, as taught by the Pharisees, may have appeared new when Jesus Christ first taught it, that doctrine is, however, the oldest in the world. God had decreed from all eternity to save the human race through Jesus Christ, and it is by the Gospel that he has manifested to men his eternal intention. It follows from this that the evangelical doctrine is the most ancient of doctrines that have been, are, or shall be. It would be a great error, offensive to the eternal wisdom of God, to look upon this evangelical doctrine as a novelty, and to say that the Christian faith has only begun recently.

XIII. The doctrine of Repentance is also a part of the evangelical doctrine. By repentance we mean that grief of the soul which is excited by the word and the Spirit of God, and accompanied by a true faith; when, in this feeling, the sinner acknowledges at first his natural corruption and all his actual sins which the word of God unravels to him, and his heart is affected with sincere grief at the recollection of them; he deplores them before God; he confesses them to him sincerely and with all humility, he detests them with shame and indignation; he thinks henceforth seriously to correct himself, and to devote himself permanently to righteous practices and all virtue, to practise them in holiness for the rest of his life. Such is true repentance; it consists in turning sincerely towards God, and towards all which is good and virtuous, and to shun the devil and all which is evil.

But we say expressly that this repentance is a pure gift of God, and not the work of our own strength.

The sinful woman of the Gospel who bathed with her tears the feet of the Lord, and St. Peter who deplored with bitter tears his own baseness in denying his Master, show clearly by their example what ought to be the con-

dition of a repentant heart, of a heart which sincerely deplores the sins which it has committed. On the other side, the prodigal son and the publican of the parable, placed in opposition to the Pharisee, exhibit to us clearly the proper manner of confessing our sins to God.

It is therefore necessary to confess our sins to God, and also to become reconciled to our fellow-creatures when we have offended them, and to acknowledge to them that we have done wrong.

The examples which the Gospel gives ought to teach us how much care and vigilance are required of the repentant sinner in order to lead a new life, by mortifying the old man and quickening the new. It is for this that we preach that reparation, charity, and, generally speaking, all good works, are necessary to those who truly repent.

XIV. The word Justification, in the writings of the Apostle Paul, means the forgiveness of sins, the remission of both guilt and penalty, the receiving of Grace, and being reckoned among the righteous.

It is very certain that we are all naturally wicked sinners, convicted of wickedness before the tribunal of God. It is not the less certain that we are justified, that is to say, absolved of our sins, and delivered from death, by God our judge, through the love of Jesus Christ alone, and without any merit on our part.

Our Saviour has taken upon himself the sins of the world; he has cancelled them; he has satisfied divine justice. It is therefore only on account of Jesus Christ dead, and risen again from the dead, that God, reconciled with us, does not impute to us our sins, but transfers to us the justice or innocence of his Son as if it were our own; so that we are thereby not only cleansed of our sins, but covered as it were with the righteousness of Christ, and absolved from the penalty of sin, from death and condemnation, having been made righteous and heirs to eternal life. Thus, properly speaking, it is God alone who justifies us, and he does it solely on account of Jesus Christ.

We are sharers in this justification, not by any work of ours, but by faith in the mercy of God, and in Christ. We believe, therefore, that sinful man is justified by faith alone in Jesus Christ, and not by the law, or by any work of his. We do not share in the benefit of Justification, by attributing it partly to the grace of God, or to Jesus Christ, and partly to ourselves, to our zeal, or our works, in short to our own merits; but we must attribute it entirely to the grace of God in Jesus Christ by faith. Our charity and our works could not be agreeable to God from men in a state of unrighteousness; we must therefore be justified before we can love God or do any good works, and we can be made truly righteous only by faith in Jesus, by the pure grace of God, who ascribes to us, not our sins, but the justice of his Son, and our faith in Jesus Christ.

We do not speak here of a mere semblance of faith, vain, ineffectual, and dead, but of a living efficacious faith, which manifests its efficacy by holy works.

XV. Christian Faith is not, therefore, an opinion or human persuasion, but it is the state of a soul fully convinced of the truth of that faith, which com-

prehends clearly and embraces with an entire trust and confidence the truth imparted to us from God through the Holy Scriptures and through the symbol of the apostles. By this conviction the soul attaches itself to God as to its only eternal and sovereign good, and to Jesus Christ, who is the centre of all promises.

This faith is a gift of God, which God alone grants to his elect, in whatever measure he pleases, when he pleases, to whom he pleases, and as much as he pleases. He grants it by virtue of the Holy Ghost, and by means of the preaching of the gospel and the prayers of the faithful.

The Apostle Paul expresses the efficacy of true faith when he says that it works through charity. It restores peace to the conscience; it procures a free access to God, that we may approach him with confidence to obtain of him those things which are necessary to us; it retains us within the bounds of our duties that we may acquit ourselves of what we owe to God and our neighbours; it supports our patience in adversity, and it disposes us to make a sincere confession of our belief; in one word, it produces all sorts of good fruits, and of good works.

XVI. We teach, therefore, that Good Works are the offspring of a living faith through the Holy Ghost; and that the faithful do them according to the will of God, or according to the rules which He has given us in his word. We have already said that the law of God, which is his revealed will, prescribes to us the rule of good works. We must not do good works with the pretension of deserving thereby eternal life, because eternal life or salvation is a gift of God; neither must we do them out of ostentation, or for gain, which God condemns; but for the glory of God, to do honour to our vocation, to show our gratitude to God, and to be useful to our fellow creatures.

Therefore, although we teach with the apostle that man is justified gratuitously by faith in Jesus Christ, and not by his own good works, yet we do not condemn good works, and we are far from neglecting them, as we know that man is not regenerated by faith for the purpose of remaining idle, but rather in order to apply himself to do that which is good and useful.

The good works which we do through faith are agreeable to God, who approves of them, inasmuch as those who do them are agreeable to him on account of their faith in Jesus Christ, and because they are done by the agency of the Holy Ghost, and by the divine grace.

Therefore we earnestly recommend the necessity of practising the true virtues, and not the false and philosophical ones;—the necessity of works truly good, and of the duties which become a true Christian. We inculcate this necessity with all the care and earnestness of which we are capable, while we reprove the neglect and hypocrisy of all those who preach and profess the Gospel with their mouths, while they disgrace it by their bad conduct. We place before the eyes of men on one side the fearful denunciations of God, and on the other his splendid promises, and the rich reward which he has in store for his children, that we may exhort, reprove, console, and support each other through our earthly pilgrimage.

We say that God rewards richly those who do good works, but we attri-

bute this reward which God grants us, not to the merit of the man who receives it, but to the goodness, the freewill, and the faithfulness of God who promises and gives it, and who, although he is under no obligation to do so, yet has promised to reward those who faithfully serve him, while at the same time he grants them strength to serve him so. For even in the works of the saints there are many things which are not worthy of God, and there are always many imperfections. But as God receives in his grace those who do good works, and loves them for the love of Jesus Christ, he does not withhold the rewards which he has promised to them. Therefore our works, considered in this point of view, are as "filthy rags, and an unclean thing." (Isaiah lxiv. 5).

Although we teach that God rewards our good works, we say at the same time that he rewards in us not our own merit but his own gifts. All that we receive from him as a reward is at the same time, and more properly, a grace and favour, because the good works we do, we are enabled to do by the assistance of God, and not through our own strength.

The "*Confession de Foi des Eglises reformées de France*," one of the latest editions of which is that of Montpelier, 1825, is essentially the same as that of the Helvetic Churches, and by referring to the Confession of Augsburg, and to the thirty-nine Articles of the Church of England, it will be found that in nearly every essential point they also agree with the doctrine of the Helvetic Confession of Faith.



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